

Senate File 2298

SENATE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3169)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making, reducing, and transferring appropriations,
2 providing for other properly related matters, and including
3 effective and applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6953SV 80
6 mg/cf/24

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1 1 DIVISION I
1 2 ADMINISTRATION AND REGULATION
1 3 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES. There
1 4 is appropriated from the general fund of the state to the
1 5 department of administrative services for the fiscal year
1 6 beginning July 1, 2004, and ending June 30, 2005, the
1 7 following amounts, or so much thereof as is necessary, to be
1 8 used for the purposes designated:
1 9 1. For salaries, support, maintenance, and miscellaneous
1 10 purposes, and for not more than the following full-time
1 11 equivalent positions:
1 12 \$ 4,564,351
1 13 FTEs 233.95
1 14 UTILITY COSTS
1 15 2. For the payment of utility costs:
1 16 \$ 2,576,000
1 17 Notwithstanding section 8.33, any excess funds appropriated
1 18 for utility costs in this subsection shall not revert to the
1 19 general fund of the state at the end of the fiscal year but
1 20 shall remain available for expenditure for the purposes of
1 21 this subsection during the fiscal year beginning July 1, 2005.
1 22 3. For distribution to other departments:
1 23 \$ 10,802,911
1 24 Moneys appropriated in this subsection shall be separately
1 25 accounted for in a distribution account and shall be
1 26 distributed to other governmental entities based upon formulas
1 27 established by the department to pay for services provided
1 28 governmental entities by the department as described in
1 29 chapter 8A.
1 30 4. Members of the general assembly serving as members of
1 31 the deferred compensation advisory board shall be entitled to
1 32 receive per diem and necessary travel and actual expenses
1 33 pursuant to section 2.10, subsection 5, while carrying out
1 34 their official duties as members of the board.
1 35 5. Any funds and premiums collected by the department for
2 1 workers' compensation shall be segregated into a separate
2 2 workers' compensation fund in the state treasury to be used
2 3 for payment of state employees' workers' compensation claims
2 4 and administrative costs. Notwithstanding section 8.33,
2 5 unencumbered or unobligated moneys remaining in this workers'
2 6 compensation fund at the end of the fiscal year shall not
2 7 revert but shall be available for expenditure for purposes of
2 8 the fund for subsequent fiscal years.
2 9 6. DEPARTMENT OF TRANSPORTATION == PERSONNEL SERVICES
2 10 PAYMENT. The department of administrative services shall
2 11 periodically provide a billing statement to the state
2 12 department of transportation outlining the costs of personnel
2 13 services provided to the state department of transportation.
2 14 The amount indicated on each billing statement shall be paid
2 15 by the state department of transportation out of funds
2 16 available to the department from the road use tax fund and the
2 17 primary road fund. Amounts received by the department of
2 18 administrative services shall be considered repayment receipts
2 19 as defined in section 8.2, and deposited into the accounts of
2 20 the department.
2 21 Sec. 2. REVOLVING FUNDS.

2 22 1. There is appropriated from the general fund of the
2 23 state to the department of administrative services for the
2 24 fiscal year beginning July 1, 2004, and ending June 30, 2005,
2 25 the following amount, or so much thereof as is necessary, to
2 26 be used for the purposes designated:
2 27 For start-up funding for revolving funds under the control
2 28 of the department of administrative services and for salaries,
2 29 support, maintenance, and miscellaneous purposes:
2 30 \$ 1,950,000

2 31 Notwithstanding any provision of this section to the
2 32 contrary, the department of administrative services shall
2 33 deposit \$1,950,000 in the general fund of the state from
2 34 moneys in departmental revolving funds and internal service
2 35 funds at the end of the fiscal year.

3 1 2. There is appropriated to the department of
3 2 administrative services for the fiscal year beginning July 1,
3 3 2004, and ending June 30, 2005, from the revolving funds
3 4 designated in chapter 8A and from internal service funds
3 5 created by the department, such amounts as the department
3 6 deems necessary for the operation of the department consistent
3 7 with the requirements of chapter 8A.

3 8 Sec. 3. READY TO WORK PROGRAM COORDINATOR. There is
3 9 appropriated from the workers' compensation trust fund to the
3 10 department of administrative services for the fiscal year
3 11 beginning July 1, 2004, and ending June 30, 2005, the
3 12 following amount, or so much thereof as is necessary, to be
3 13 used for the purposes designated:

3 14 For the salary, support, and miscellaneous expenses for the
3 15 ready to work program and coordinator:
3 16 \$ 89,416

3 17 Sec. 4. FUNDING FOR IOWACCESS.

3 18 1. Notwithstanding section 321A.3, subsection 1, for the
3 19 fiscal year beginning July 1, 2004, and ending June 30, 2005,
3 20 the first \$1,000,000 collected and transferred by the
3 21 department of transportation to the treasurer of state with
3 22 respect to the fees for transactions involving the furnishing
3 23 of a certified abstract of a vehicle operating record under
3 24 section 321A.3, subsection 1, shall be transferred to the
3 25 IowAccess revolving fund established by section 8A.224 and
3 26 administered by the department of administrative services for
3 27 the purposes of developing, implementing, maintaining, and
3 28 expanding electronic access to government records as provided
3 29 by law.

3 30 2. All fees collected with respect to transactions
3 31 involving IowAccess shall be deposited in the IowAccess
3 32 revolving fund and shall be used only for the support of
3 33 IowAccess projects.

3 34 Sec. 5. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
3 35 CHARGE. For the fiscal year beginning July 1, 2004, and
4 1 ending June 30, 2005, the monthly per contract administrative
4 2 charge which may be assessed by the department of
4 3 administrative services shall be \$2.00 per contract on all
4 4 health insurance plans administered by the department.

4 5 Sec. 6. AUDITOR OF STATE. There is appropriated from the
4 6 general fund of the state to the office of the auditor of
4 7 state for the fiscal year beginning July 1, 2004, and ending
4 8 June 30, 2005, the following amount, or so much thereof as is
4 9 necessary, to be used for the purposes designated:

4 10 For salaries, support, maintenance, and miscellaneous
4 11 purposes, and for not more than the following full-time
4 12 equivalent positions:
4 13 \$ 1,144,755
4 14 FTEs 106.30

4 15 The auditor of state may retain additional full-time
4 16 equivalent positions as is reasonable and necessary to perform
4 17 governmental subdivision audits which are reimbursable
4 18 pursuant to section 11.20 or 11.21, to perform audits which
4 19 are requested by and reimbursable from the federal government,
4 20 and to perform work requested by and reimbursable from
4 21 departments or agencies pursuant to section 11.5A or 11.5B.
4 22 The auditor of state shall notify the department of
4 23 management, the legislative fiscal committee, and the
4 24 legislative services agency of the additional full-time
4 25 equivalent positions retained.

4 26 Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
4 27 is appropriated from the general fund of the state to the Iowa
4 28 ethics and campaign disclosure board for the fiscal year
4 29 beginning July 1, 2004, and ending June 30, 2005, the
4 30 following amount, or so much thereof as is necessary, for the
4 31 purposes designated:

4 32 For salaries, support, maintenance, and miscellaneous

4 33 purposes, and for not more than the following full-time
 4 34 equivalent positions:
 4 35 \$ 411,296
 5 1 FTEs 6.00
 5 2 Sec. 8. DEPARTMENT OF COMMERCE. There is appropriated
 5 3 from the general fund of the state to the department of
 5 4 commerce for the fiscal year beginning July 1, 2004, and
 5 5 ending June 30, 2005, the following amounts, or so much
 5 6 thereof as is necessary, for the purposes designated:
 5 7 1. ALCOHOLIC BEVERAGES DIVISION
 5 8 For salaries, support, maintenance, and miscellaneous
 5 9 purposes, and for not more than the following full-time
 5 10 equivalent positions:
 5 11 \$ 1,876,497
 5 12 FTEs 33.00
 5 13 2. BANKING DIVISION
 5 14 For salaries, support, maintenance, and miscellaneous
 5 15 purposes, and for not more than the following full-time
 5 16 equivalent positions:
 5 17 \$ 6,344,805
 5 18 FTEs 65.00
 5 19 3. CREDIT UNION DIVISION
 5 20 For salaries, support, maintenance, and miscellaneous
 5 21 purposes, and for not more than the following full-time
 5 22 equivalent positions:
 5 23 \$ 1,377,364
 5 24 FTEs 19.00
 5 25 4. INSURANCE DIVISION
 5 26 a. For salaries, support, maintenance, and miscellaneous
 5 27 purposes, and for not more than the following full-time
 5 28 equivalent positions:
 5 29 \$ 3,850,498
 5 30 FTEs 95.00
 5 31 b. The insurance division may reallocate authorized full-
 5 32 time equivalent positions as necessary to respond to
 5 33 accreditation recommendations or requirements. The insurance
 5 34 division expenditures for examination purposes may exceed the
 5 35 projected receipts, refunds, and reimbursements, estimated
 6 1 pursuant to section 505.7, subsection 7, including the
 6 2 expenditures for retention of additional personnel, if the
 6 3 expenditures are fully reimbursable and the division first
 6 4 does both of the following:
 6 5 (1) Notifies the department of management, the legislative
 6 6 services agency, and the legislative fiscal committee of the
 6 7 need for the expenditures.
 6 8 (2) Files with each of the entities named in subparagraph
 6 9 (1) the legislative and regulatory justification for the
 6 10 expenditures, along with an estimate of the expenditures.
 6 11 5. PROFESSIONAL LICENSING AND REGULATION DIVISION
 6 12 For salaries, support, maintenance, and miscellaneous
 6 13 purposes, and for not more than the following full-time
 6 14 equivalent positions:
 6 15 \$ 766,766
 6 16 FTEs 12.00
 6 17 6. UTILITIES DIVISION
 6 18 a. For salaries, support, maintenance, and miscellaneous
 6 19 purposes, and for not more than the following full-time
 6 20 equivalent positions:
 6 21 \$ 6,877,319
 6 22 FTEs 79.00
 6 23 b. The utilities division may expend additional funds,
 6 24 including funds for additional personnel, if those additional
 6 25 expenditures are actual expenses which exceed the funds
 6 26 budgeted for utility regulation and the expenditures are fully
 6 27 reimbursable. Before the division expends or encumbers an
 6 28 amount in excess of the funds budgeted for regulation, the
 6 29 division shall first do both of the following:
 6 30 (1) Notify the department of management, the legislative
 6 31 services agency, and the legislative fiscal committee of the
 6 32 need for the expenditures.
 6 33 (2) File with each of the entities named in subparagraph
 6 34 (1) the legislative and regulatory justification for the
 6 35 expenditures, along with an estimate of the expenditures.
 7 1 7. CHARGES == TRAVEL
 7 2 Each division and the office of consumer advocate shall
 7 3 include in its charges assessed or revenues generated, an
 7 4 amount sufficient to cover the amount stated in its
 7 5 appropriation, and any state-assessed indirect costs
 7 6 determined by the department of administrative services. The
 7 7 director of the department of commerce shall review on a
 7 8 quarterly basis all out-of-state travel for the previous

7 9 quarter for officers and employees of each division of the
7 10 department if the travel is not already authorized by the
7 11 executive council.

7 12 Sec. 9. DEPARTMENT OF COMMERCE == PROFESSIONAL LICENSING
7 13 AND REGULATION. There is appropriated from the housing
7 14 improvement fund of the Iowa department of economic
7 15 development to the division of professional licensing and
7 16 regulation of the department of commerce for the fiscal year
7 17 beginning July 1, 2004, and ending June 30, 2005, the
7 18 following amount, or so much thereof as is necessary, to be
7 19 used for the purposes designated:

7 20 For salaries, support, maintenance, and miscellaneous
7 21 purposes:

7 22 \$ 62,317

7 23 Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is
7 24 appropriated from the general fund of the state to the offices
7 25 of the governor and the lieutenant governor for the fiscal
7 26 year beginning July 1, 2004, and ending June 30, 2005, the
7 27 following amounts, or so much thereof as is necessary, to be
7 28 used for the purposes designated:

7 29 1. GENERAL OFFICE

7 30 For salaries, support, maintenance, and miscellaneous
7 31 purposes for the general office of the governor and the
7 32 general office of the lieutenant governor, and for not more
7 33 than the following full-time equivalent positions:

7 34 \$ 1,536,949
7 35 FTEs 19.25

8 1 2. TERRACE HILL QUARTERS

8 2 For salaries, support, maintenance, and miscellaneous
8 3 purposes for the governor's quarters at Terrace Hill, and for
8 4 not more than the following full-time equivalent positions:

8 5 \$ 343,149
8 6 FTEs 8.00

8 7 3. ADMINISTRATIVE RULES COORDINATOR

8 8 For salaries, support, maintenance, and miscellaneous
8 9 purposes for the office of administrative rules coordinator,
8 10 and for not more than the following full-time equivalent
8 11 positions:

8 12 \$ 136,458
8 13 FTEs 3.00

8 14 4. NATIONAL GOVERNORS ASSOCIATION

8 15 For payment of Iowa's membership in the national governors
8 16 association:

8 17 \$ 64,393

8 18 5. STATE-FEDERAL RELATIONS

8 19 For salaries, support, maintenance, and miscellaneous
8 20 purposes, and for not more than the following full-time
8 21 equivalent positions:

8 22 \$ 111,236
8 23 FTEs 2.00

8 24 Sec. 11. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.

8 25 1. There is appropriated from the general fund of the
8 26 state to the governor's office of drug control policy for the
8 27 fiscal year beginning July 1, 2004, and ending June 30, 2005,
8 28 the following amount, or so much thereof as is necessary, to
8 29 be used for the purposes designated:

8 30 For salaries, support, maintenance, and miscellaneous
8 31 purposes including statewide coordination of the drug abuse
8 32 resistance education (D.A.R.E.) programs or similar programs,
8 33 and for not more than the following full-time equivalent
8 34 positions:

8 35 \$ 254,386
9 1 FTEs 9.00

9 2 2. The governor's office of drug control policy, in
9 3 consultation with the Iowa department of public health, and
9 4 after discussion and collaboration with all interested
9 5 agencies, shall coordinate substance abuse treatment and
9 6 prevention efforts in order to avoid duplication of services.

9 7 Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is
9 8 appropriated from the general fund of the state to the
9 9 department of human rights for the fiscal year beginning July
9 10 1, 2004, and ending June 30, 2005, the following amounts, or
9 11 so much thereof as is necessary, to be used for the purposes
9 12 designated:

9 13 1. CENTRAL ADMINISTRATION DIVISION

9 14 For salaries, support, maintenance, and miscellaneous
9 15 purposes, and for not more than the following full-time
9 16 equivalent positions:

9 17 \$ 264,102
9 18 FTEs 7.00

9 19 2. DEAF SERVICES DIVISION

9 20 For salaries, support, maintenance, and miscellaneous
 9 21 purposes, and for not more than the following full-time
 9 22 equivalent positions:
 9 23 \$ 362,710
 9 24 FTEs 6.00
 9 25 The fees collected by the division for provision of
 9 26 interpretation services by the division to obligated agencies
 9 27 shall be disbursed pursuant to the provisions of section 8.32,
 9 28 and shall be dedicated and used by the division for continued
 9 29 and expanded interpretation services.
 9 30 3. PERSONS WITH DISABILITIES DIVISION
 9 31 For salaries, support, maintenance, and miscellaneous
 9 32 purposes, and for not more than the following full-time
 9 33 equivalent positions:
 9 34 \$ 184,971
 9 35 FTEs 3.50
 10 1 4. LATINO AFFAIRS DIVISION
 10 2 For salaries, support, maintenance, and miscellaneous
 10 3 purposes, and for not more than the following full-time
 10 4 equivalent positions:
 10 5 \$ 166,718
 10 6 FTEs 3.00
 10 7 5. STATUS OF WOMEN DIVISION
 10 8 For salaries, support, maintenance, and miscellaneous
 10 9 purposes, including the Iowans in transition program, and the
 10 10 domestic violence and sexual assault-related grants, and for
 10 11 not more than the following full-time equivalent positions:
 10 12 \$ 329,530
 10 13 FTEs 3.00
 10 14 6. STATUS OF AFRICAN-AMERICANS DIVISION
 10 15 For salaries, support, maintenance, and miscellaneous
 10 16 purposes, and for not more than the following full-time
 10 17 equivalent positions:
 10 18 \$ 118,296
 10 19 FTEs 2.00
 10 20 7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 10 21 For salaries, support, maintenance, and miscellaneous
 10 22 purposes, and for not more than the following full-time
 10 23 equivalent positions:
 10 24 \$ 403,774
 10 25 FTEs 6.96
 10 26 The criminal and juvenile justice planning advisory council
 10 27 and the juvenile justice advisory council shall coordinate
 10 28 their efforts in carrying out their respective duties relative
 10 29 to juvenile justice.
 10 30 8. SHARED STAFF. The divisions of the department of human
 10 31 rights shall retain their individual administrators, but shall
 10 32 share staff to the greatest extent possible.
 10 33 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 10 34 appropriated from the general fund of the state to the
 10 35 department of inspections and appeals for the fiscal year
 11 1 beginning July 1, 2004, and ending June 30, 2005, the
 11 2 following amounts, or so much thereof as is necessary, for the
 11 3 purposes designated:
 11 4 1. ADMINISTRATION DIVISION
 11 5 For salaries, support, maintenance, and miscellaneous
 11 6 purposes, and for not more than the following full-time
 11 7 equivalent positions:
 11 8 \$ 1,489,090
 11 9 FTEs 32.25
 11 10 2. ADMINISTRATIVE HEARINGS DIVISION
 11 11 For salaries, support, maintenance, and miscellaneous
 11 12 purposes, and for not more than the following full-time
 11 13 equivalent positions:
 11 14 \$ 614,114
 11 15 FTEs 23.00
 11 16 3. INVESTIGATIONS DIVISION
 11 17 For salaries, support, maintenance, and miscellaneous
 11 18 purposes, and for not more than the following full-time
 11 19 equivalent positions:
 11 20 \$ 1,407,295
 11 21 FTEs 41.00
 11 22 4. HEALTH FACILITIES DIVISION
 11 23 For salaries, support, maintenance, and miscellaneous
 11 24 purposes, and for not more than the following full-time
 11 25 equivalent positions:
 11 26 \$ 2,276,836
 11 27 FTEs 108.75
 11 28 5. EMPLOYMENT APPEAL BOARD
 11 29 For salaries, support, maintenance, and miscellaneous
 11 30 purposes, and for not more than the following full-time

11 31 equivalent positions:
 11 32 \$ 35,215
 11 33 FTEs 15.00
 11 34 The employment appeal board shall be reimbursed by the
 11 35 labor services division of the department of workforce
 12 1 development for all costs associated with hearings conducted
 12 2 under chapter 91C, related to contractor registration. The
 12 3 board may expend, in addition to the amount appropriated under
 12 4 this subsection, additional amounts as are directly billable
 12 5 to the labor services division under this subsection and to
 12 6 retain the additional full-time equivalent positions as needed
 12 7 to conduct hearings required pursuant to chapter 91C.
 12 8 6. CHILD ADVOCACY BOARD
 12 9 For foster care review and the court appointed special
 12 10 advocate program, including salaries, support, maintenance,
 12 11 and miscellaneous purposes, and for not more than the
 12 12 following full-time equivalent positions:
 12 13 \$ 1,752,780
 12 14 FTEs 38.99
 12 15 a. The department of human services, in coordination with
 12 16 the child advocacy board, and the department of inspections
 12 17 and appeals, shall submit an application for funding available
 12 18 pursuant to Title IV-E of the federal Social Security Act for
 12 19 claims for child advocacy board, administrative review costs.
 12 20 b. The court appointed special advocate program shall
 12 21 investigate and develop opportunities for expanding fund=
 12 22 raising for the program.
 12 23 c. Administrative costs charged by the department of
 12 24 inspections and appeals for items funded under this subsection
 12 25 shall not exceed 4 percent of the amount appropriated in this
 12 26 subsection.
 12 27 Sec. 14. RACING AND GAMING COMMISSION.
 12 28 1. RACETRACK REGULATION
 12 29 There is appropriated from the general fund of the state to
 12 30 the racing and gaming commission of the department of
 12 31 inspections and appeals for the fiscal year beginning July 1,
 12 32 2004, and ending June 30, 2005, the following amount, or so
 12 33 much thereof as is necessary, to be used for the purposes
 12 34 designated:
 12 35 For salaries, support, maintenance, and miscellaneous
 13 1 purposes for the regulation of pari-mutuel racetracks, and for
 13 2 not more than the following full-time equivalent positions:
 13 3 \$ 2,201,453
 13 4 FTEs 27.53
 13 5 Of the funds appropriated in this subsection, \$85,576 shall
 13 6 be used to conduct an extended harness racing season.
 13 7 2. EXCURSION BOAT REGULATION
 13 8 There is appropriated from the general fund of the state to
 13 9 the racing and gaming commission of the department of
 13 10 inspections and appeals for the fiscal year beginning July 1,
 13 11 2004, and ending June 30, 2005, the following amount, or so
 13 12 much thereof as is necessary, to be used for the purposes
 13 13 designated:
 13 14 For salaries, support, maintenance, and miscellaneous
 13 15 purposes for administration and enforcement of the excursion
 13 16 boat gambling laws, and for not more than the following full=
 13 17 time equivalent positions:
 13 18 \$ 1,806,048
 13 19 FTEs 30.22
 13 20 Sec. 15. USE TAX APPROPRIATION. There is appropriated
 13 21 from the use tax receipts collected pursuant to sections
 13 22 423.26 and 423.27 as enacted by 2003 Iowa Acts, First
 13 23 Extraordinary Session, chapter 2, sections 119 and 120 prior
 13 24 to their deposit in the road use tax fund pursuant to section
 13 25 423.43 as enacted by 2003 Iowa Acts, First Extraordinary
 13 26 Session, chapter 2, section 136, to the administrative
 13 27 hearings division of the department of inspections and appeals
 13 28 for the fiscal year beginning July 1, 2004, and ending June
 13 29 30, 2005, the following amount, or so much thereof as is
 13 30 necessary, for the purposes designated:
 13 31 For salaries, support, maintenance, and miscellaneous
 13 32 purposes:
 13 33 \$ 1,325,632
 13 34 Sec. 16. DEPARTMENT OF MANAGEMENT. There is appropriated
 13 35 from the general fund of the state to the department of
 14 1 management for the fiscal year beginning July 1, 2004, and
 14 2 ending June 30, 2005, the following amounts, or so much
 14 3 thereof as is necessary, to be used for the purposes
 14 4 designated:
 14 5 1. GENERAL OFFICE == STATEWIDE PROPERTY TAX ADMINISTRATION
 14 6 For salaries, support, maintenance, and miscellaneous

14 7 purposes, and for not more than the following full-time
 14 8 equivalent positions:
 14 9 \$ 2,137,824
 14 10 FTEs 32.00

14 11 2. ENTERPRISE RESOURCE PLANNING
 14 12 If funding is provided for the redesign of the enterprise
 14 13 resource planning budget system for the fiscal year beginning
 14 14 July 1, 2004, then there is appropriated from the general fund
 14 15 of the state to the department of management for the fiscal
 14 16 year beginning July 1, 2004, and ending June 30, 2005, the
 14 17 following amount, or so much thereof as is necessary, to be
 14 18 used for the purposes designated:
 14 19 For salaries, support, maintenance, and miscellaneous
 14 20 purposes for administration of the enterprise resource
 14 21 planning system, and for not more than the following full-time
 14 22 equivalent positions:
 14 23 \$ 57,435
 14 24 FTEs 1.00

14 25 3. SALARY MODEL ADMINISTRATOR
 14 26 For salary, support, and miscellaneous purposes of the
 14 27 salary model administrator, and for not more than the
 14 28 following full-time equivalent positions:
 14 29 \$ 123,598
 14 30 FTEs 1.00

14 31 The salary model administrator shall work in conjunction
 14 32 with the legislative services agency to maintain the state's
 14 33 salary model used for analyzing, comparing, and projecting
 14 34 state employee salary and benefit information, including
 14 35 information relating to employees of the state board of
 15 1 regents. The department of revenue, the department of
 15 2 administrative services, the five institutions under the
 15 3 jurisdiction of the state board of regents, the judicial
 15 4 district departments of correctional services, and the state
 15 5 department of transportation shall provide salary data to the
 15 6 department of management and the legislative services agency
 15 7 to operate the state's salary model. The format and frequency
 15 8 of provision of the salary data shall be determined by the
 15 9 department of management and the legislative services agency.
 15 10 The information shall be used in collective bargaining
 15 11 processes under chapter 20 and in calculating the funding
 15 12 needs contained within the annual salary adjustment
 15 13 legislation. A state employee organization as defined in
 15 14 section 20.3, subsection 4, may request information produced
 15 15 by the model, but the information provided shall not contain
 15 16 information attributable to individual employees.

15 17 4. FEDERAL OVERRECOVERY
 15 18 For providing matching funds for information technology
 15 19 services provided by the department of administrative services
 15 20 to the department of human services:
 15 21 \$ 3,000,000

15 22 Sec. 17. ROAD USE TAX APPROPRIATION. There is
 15 23 appropriated from the road use tax fund to the department of
 15 24 management for the fiscal year beginning July 1, 2004, and
 15 25 ending June 30, 2005, the following amount, or so much thereof
 15 26 as is necessary, to be used for the purposes designated:
 15 27 For salaries, support, maintenance, and miscellaneous
 15 28 purposes:
 15 29 \$ 56,000

15 30 Sec. 18. SECRETARY OF STATE. There is appropriated from
 15 31 the general fund of the state to the office of the secretary
 15 32 of state for the fiscal year beginning July 1, 2004, and
 15 33 ending June 30, 2005, the following amounts, or so much
 15 34 thereof as is necessary, to be used for the purposes
 15 35 designated:

16 1 1. ADMINISTRATION AND ELECTIONS
 16 2 For salaries, support, maintenance, and miscellaneous
 16 3 purposes, and for not more than the following full-time
 16 4 equivalent positions:
 16 5 \$ 660,233
 16 6 FTEs 10.00

16 7 The state department or state agency which provides data
 16 8 processing services to support voter registration file
 16 9 maintenance and storage shall provide those services without
 16 10 charge.

16 11 2. BUSINESS SERVICES
 16 12 For salaries, support, maintenance, and miscellaneous
 16 13 purposes, and for not more than the following full-time
 16 14 equivalent positions:
 16 15 \$ 1,615,893
 16 16 FTEs 32.00

16 17 Sec. 19. SECRETARY OF STATE FILING FEES REFUND.

16 18 Notwithstanding the obligation to collect fees pursuant to the
16 19 provisions of section 490.122, subsection 1, paragraphs "a"
16 20 and "s", and section 504A.85, subsections 1 and 9, for the
16 21 fiscal year beginning July 1, 2004, and ending June 30, 2005,
16 22 the secretary of state may refund these fees to the filer
16 23 pursuant to rules established by the secretary of state. The
16 24 decision of the secretary of state not to issue a refund under
16 25 rules established by the secretary of state is final and not
16 26 subject to review pursuant to the provisions of the Iowa
16 27 administrative procedure Act.

16 28 Sec. 20. TREASURER. There is appropriated from the
16 29 general fund of the state to the office of treasurer of state
16 30 for the fiscal year beginning July 1, 2004, and ending June
16 31 30, 2005, the following amount, or so much thereof as is
16 32 necessary, to be used for the purposes designated:

16 33 For salaries, support, maintenance, and miscellaneous
16 34 purposes, and for not more than the following full-time
16 35 equivalent positions:

17 1 \$ 800,564
17 2 FTEs 28.80

17 3 The office of treasurer of state shall supply clerical and
17 4 secretarial support for the executive council.

17 5 Sec. 21. IPERS == GENERAL OFFICE. There is appropriated
17 6 from the Iowa public employees' retirement system fund to the
17 7 Iowa public employees' retirement system for the fiscal year
17 8 beginning July 1, 2004, and ending June 30, 2005, the
17 9 following amount, or so much thereof as is necessary, to be
17 10 used for the purposes designated:

17 11 For salaries, support, maintenance, and other operational
17 12 purposes to pay the costs of the Iowa public employees'
17 13 retirement system, and for not more than the following full-
17 14 time equivalent positions:

17 15 \$ 8,879,900
17 16 FTEs 90.13

17 17 Sec. 22. DEPARTMENT OF REVENUE. There is appropriated
17 18 from the general fund of the state to the department of
17 19 revenue for the fiscal year beginning July 1, 2004, and ending
17 20 June 30, 2005, the following amounts, or so much thereof as is
17 21 necessary, to be used for the purposes designated:

17 22 1. COMPLIANCE == INTERNAL RESOURCES MANAGEMENT ==
17 23 STATEWIDE PROPERTY TAX ADMINISTRATION

17 24 For salaries, support, maintenance, and miscellaneous
17 25 purposes, and for not more than the following full-time
17 26 equivalent positions:

17 27 \$ 24,776,391
17 28 FTEs 389.66

17 29 Of the funds appropriated pursuant to this subsection,
17 30 \$400,000 shall be used to pay the direct costs of compliance
17 31 related to the collection and distribution of local sales and
17 32 services taxes imposed pursuant to chapters 422B and 422E or
17 33 successor chapters.

17 34 The director of revenue shall prepare and issue a state
17 35 appraisal manual and the revisions to the state appraisal
18 1 manual as provided in section 421.17, subsection 17, without
18 2 cost to a city or county.

18 3 2. COLLECTION COSTS AND FEES

18 4 For payment of collection costs and fees pursuant to
18 5 section 422.26:

18 6 \$ 27,462

18 7 Sec. 23. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
18 8 appropriated from the motor fuel tax fund created by section
18 9 452A.77 to the department of revenue for the fiscal year
18 10 beginning July 1, 2004, and ending June 30, 2005, the
18 11 following amount, or so much thereof as is necessary, to be
18 12 used for the purposes designated:

18 13 For salaries, support, maintenance, and miscellaneous
18 14 purposes for administration and enforcement of the provisions
18 15 of chapter 452A and the motor vehicle use tax program:

18 16 \$ 1,181,082

18 17 Sec. 24. Section 7J.1, Code Supplement 2003, is amended by
18 18 adding the following new subsection:

18 19 NEW SUBSECTION. 7A. EXECUTIVE COUNCIL FLEXIBILITY.

18 20 Notwithstanding any provision of law to the contrary, a
18 21 charter agency shall not be required to obtain executive
18 22 council approval for claims for expenses of attending
18 23 conventions, out-of-state travel requests, and memberships in
18 24 professional organizations.

18 25 Sec. 25. Section 8.63, subsection 5, Code Supplement 2003,
18 26 is amended to read as follows:

18 27 5. A state agency seeking a loan from the innovations fund
18 28 shall complete an application form designed by the state

18 29 innovations fund committee which employs, for projects, a
18 30 return on investment concept and demonstrates how state
18 31 general fund expenditures will be reduced or how state general
18 32 fund revenues will increase, or for enterprises, a business
18 33 plan that shows how the enterprise will meet customer needs,
18 34 provide value to customers, and demonstrate financial
18 35 viability. Minimum loan requirements for state agency
19 1 requests shall be determined by the committee. As an
19 2 incentive to increase state general fund revenues, an agency
19 3 may retain up to fifty percent of savings realized in
19 4 connection with a project loan from the innovations fund. The
19 5 amount retained shall be determined by the innovations fund
19 6 committee. Savings realized but not retained by an agency
19 7 shall not be deposited in the innovations fund.

19 8 Sec. 26. Section 8.63, subsection 6, paragraph b, Code
19 9 Supplement 2003, is amended to read as follows:

19 10 b. If the department of management and the department of
19 11 revenue certify that the savings from a proposed innovations
19 12 fund project will result in a net increase in the balance of
19 13 the general fund of the state without a corresponding cost
19 14 savings to the requesting agency, and if the requesting agency
19 15 meets all other eligibility requirements, the innovations fund
19 16 committee may approve the loan for the project and not require
19 17 repayment by the requesting agency. There is appropriated
19 18 from the general fund of the state to the department of
19 19 management for deposit in the innovations fund an amount
19 20 sufficient to repay the loan amount, which amount shall not
19 21 exceed the principal amount of the loan plus interest on the
19 22 loan.

19 23 Sec. 27. Section 543B.14, Code 2003, is amended to read as
19 24 follows:

19 25 543B.14 FEES AND EXPENSES == FUNDS.

19 26 All fees and charges collected by the real estate
19 27 commission under this chapter shall be paid into the general
19 28 fund of the state, except that ~~the equivalent of the greater~~
~~19 29 of ten dollars or forty percent per year of the fees for fifty~~
~~19 30 dollars from each real estate salesperson's license, plus the~~
~~19 31 equivalent of the greater of ten dollars or twenty-five~~
~~19 32 percent per year of the fees for and each broker's license~~

19 33 shall be paid into the Iowa real estate education fund created
19 34 in section 543B.54. All expenses incurred by the commission
19 35 under this chapter, including compensation of staff assigned
20 1 to the commission, shall be paid from funds appropriated for
20 2 those purposes, except for expenses incurred and compensation
20 3 paid for the real estate education director, which shall be
20 4 paid out of the real estate education fund.

20 5 Sec. 28. Section 543B.54, Code 2003, is amended to read as
20 6 follows:

20 7 543B.54 REAL ESTATE EDUCATION FUND.

20 8 The Iowa real estate education fund is created as a
20 9 financial assurance mechanism to assist in the establishment
20 10 and maintenance of a real estate education program at the
20 11 university of northern Iowa and to assist the real estate
20 12 commission in providing an education director. The fund is
20 13 created as a separate fund in the state treasury, and any
20 14 funds remaining in the fund at the end of each fiscal year
20 15 shall not revert to the general fund, but shall remain in the
20 16 Iowa real estate education fund. ~~Seventy percent of the~~

~~20 17 moneys in the fund Twenty-five dollars per license from fees~~
~~20 18 deposited for each real estate salesperson's license and each~~
~~20 19 broker's license shall be distributed and are appropriated to~~
20 20 the board of regents for the purpose of establishing and
20 21 maintaining a real estate education program at the university
20 22 of northern Iowa. ~~Thirty percent of the~~ The remaining moneys
20 23 in the fund shall be distributed and are appropriated to the
20 24 professional licensing and regulation division of the
20 25 department of commerce for the purpose of hiring and
20 26 compensating a real estate education director and regulatory
20 27 compliance personnel.

20 28 Sec. 29. SPAN OF CONTROL. The department of
20 29 administrative services, in consultation with the department
20 30 of management and after discussion and collaboration with
20 31 executive branch agencies, shall pursue a goal of increasing
20 32 the ratio of the number of employees per supervisor for
20 33 executive branch agencies in the aggregate to twelve employees
20 34 for one supervisor by December 31, 2005.

20 35 DIVISION II

21 1 AGRICULTURE AND NATURAL RESOURCES

21 2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

21 3 GENERAL APPROPRIATIONS

21 4 Sec. 30. GENERAL DEPARTMENT APPROPRIATION. There is

21 5 appropriated from the general fund of the state to the
21 6 department of agriculture and land stewardship for the fiscal
21 7 year beginning July 1, 2004, and ending June 30, 2005, the
21 8 following amount, or so much thereof as is necessary, to be
21 9 used for the purposes designated:
21 10 a. For purposes of supporting the department, including
21 11 its divisions, for administration, regulation, and programs,
21 12 for salaries, support, maintenance, miscellaneous purposes,
21 13 and for not more than the following full-time equivalent
21 14 positions:

21 15 \$ 16,946,668
21 16 FTEs 410.64

21 17 b. Of the amount appropriated in paragraph "a", the
21 18 department shall not expend less than \$50,000 for salaries,
21 19 support, maintenance, and miscellaneous purposes of
21 20 administering the senior farmers market nutrition program
21 21 under the jurisdiction of the United States department of
21 22 agriculture.

21 23 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
21 24 DESIGNATED APPROPRIATIONS

21 25 Sec. 31. RIVER AUTHORITY. There is appropriated from the
21 26 general fund of the state to the department of agriculture and
21 27 land stewardship for the fiscal year beginning July 1, 2004,
21 28 and ending June 30, 2005, the following amount, or so much
21 29 thereof as is necessary, to be used for the purposes
21 30 designated:

21 31 For purposes of supporting the department's membership in
21 32 the state interagency Missouri river authority, created in
21 33 section 28L.1, in the Missouri river basin association:

21 34 \$ 9,535

21 35 Sec. 32. HORSE AND DOG RACING. There is appropriated from
22 1 the moneys available under section 99D.13 to the department of
22 2 agriculture and land stewardship for the fiscal year beginning
22 3 July 1, 2004, and ending June 30, 2005, the following amount,
22 4 or so much thereof as is necessary, to be used for the
22 5 purposes designated:

22 6 For salaries, support, maintenance, and miscellaneous
22 7 purposes for the administration of section 99D.22:

22 8 \$ 305,516

22 9 Sec. 33. DAIRY PRODUCTS CONTROL BUREAU. There is
22 10 appropriated from the general fund of the state to the
22 11 department of agriculture and land stewardship for the fiscal
22 12 year beginning July 1, 2004, and ending June 30, 2005, the
22 13 following amount, or so much thereof as is necessary, to be
22 14 used for the purposes designated:

22 15 For purposes of supporting the operations of the dairy
22 16 products control bureau, including salaries, support,
22 17 maintenance, and miscellaneous purposes:

22 18 \$ 632,170

22 19 Sec. 34. AVIAN INFLUENZA. There is appropriated from the
22 20 general fund of the state to the department of agriculture and
22 21 land stewardship for the fiscal year beginning July 1, 2004,
22 22 and ending June 30, 2005, the following amount, or so much
22 23 thereof as is necessary, to be used for the purpose
22 24 designated:

22 25 For the support of testing and monitoring avian influenza:

22 26 \$ 50,000

22 27 Notwithstanding section 8.33, moneys appropriated pursuant
22 28 to this section which are unencumbered or unobligated on June
22 29 30, 2005, shall not revert as provided in section 8.33. After
22 30 June 30, 2005, the department shall retain any such
22 31 unobligated or unencumbered moneys for the continued testing
22 32 and monitoring of avian influenza.

22 33 Sec. 35. SALE AND PURCHASE OF LABORATORY EQUIPMENT ==
22 34 APPROPRIATIONS. Notwithstanding chapter 8A, the department of
22 35 administrative services shall conduct a sale of equipment or
23 1 devices owned by the department of agriculture and land
23 2 stewardship and used by laboratories operated by the
23 3 department of agriculture and land stewardship. The
23 4 department of administrative services shall conduct the sale
23 5 upon authorization of the department of agriculture and land
23 6 stewardship. The sale shall only include equipment and
23 7 devices that the department does not move to its new
23 8 laboratory building. The moneys from the sale are
23 9 appropriated to the department of agriculture and land
23 10 stewardship for the fiscal period beginning July 1, 2004, and
23 11 ending June 30, 2006. The moneys shall only be used to
23 12 replace, update, enhance, or supplement equipment or devices
23 13 used by laboratories operated by the department of agriculture
23 14 and land stewardship. However, the department shall not enter
23 15 into a lease-purchase agreement to obtain the equipment or

23 16 devices. Unencumbered and unobligated moneys remaining on
23 17 June 30, 2006, shall be deposited in the general fund of the
23 18 state in the same manner as a reversion under section 8.33.

23 19 DEPARTMENT OF NATURAL RESOURCES

23 20 GENERAL APPROPRIATIONS

23 21 Sec. 36. GENERAL DEPARTMENT APPROPRIATION. There is
23 22 appropriated from the general fund of the state to the
23 23 department of natural resources for the fiscal year beginning
23 24 July 1, 2004, and ending June 30, 2005, the following amount,
23 25 or so much thereof as is necessary, to be used for the
23 26 purposes designated:

23 27 For purposes of supporting the department, including its
23 28 divisions, for administration, regulation, and programs, for
23 29 salaries, support, maintenance, miscellaneous purposes, and
23 30 for not more than the following full-time equivalent
23 31 positions:

23 32 \$ 16,569,282
23 33 FTEs 1080.12

23 34 Sec. 37. STATE FISH AND GAME PROTECTION FUND ==

23 35 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

24 1 1. a. There is appropriated from the state fish and game
24 2 protection fund to the department of natural resources for the
24 3 fiscal year beginning July 1, 2004, and ending June 30, 2005,
24 4 the following amount, or so much thereof as is necessary, to
24 5 be used for the purposes designated:

24 6 For administrative support, and for salaries, support,
24 7 maintenance, equipment, and miscellaneous purposes:

24 8 \$ 30,715,335

24 9 b. Notwithstanding section 455A.10, the department may use
24 10 the unappropriated balance remaining in the fish and game
24 11 protection fund to provide for the funding of health and life
24 12 insurance premium payments from unused sick leave balances of
24 13 conservation peace officers employed in a protection
24 14 occupation who retire, pursuant to section 97B.49B.

24 15 2. The department shall not expend more moneys from the
24 16 fish and game protection fund than provided in this section,
24 17 unless the expenditure derives from contributions made by a
24 18 private entity, or a grant or moneys received from the federal
24 19 government, and is approved by the natural resource
24 20 commission. The department of natural resources shall
24 21 promptly notify the legislative services agency and the
24 22 chairpersons and ranking members of the joint appropriations
24 23 subcommittee on agriculture and natural resources concerning
24 24 the commission's approval.

24 25 DEPARTMENT OF NATURAL RESOURCES

24 26 RELATED TRANSFERS

24 27 Sec. 38. SNOWMOBILE FEES == TRANSFER FOR ENFORCEMENT

24 28 PURPOSES. There is transferred on July 1, 2004, from the fees
24 29 required to be deposited in the special conservation fund
24 30 under section 321G.7 to the fish and game protection fund and
24 31 appropriated to the department of natural resources for the
24 32 fiscal year beginning July 1, 2004, and ending June 30, 2005,
24 33 the following amount, or so much thereof as is necessary, to
24 34 be used for the purpose designated:

24 35 For enforcing snowmobile laws as part of the state
25 1 snowmobile program administered by the department of natural
25 2 resources:

25 3 \$ 100,000

25 4 Sec. 39. VESSEL FEES == TRANSFER FOR ENFORCEMENT PURPOSES.

25 5 There is transferred on July 1, 2004, from the fees required
25 6 to be deposited in the special conservation fund under section
25 7 462A.52 to the fish and game protection fund and appropriated
25 8 to the natural resource commission for the fiscal year
25 9 beginning July 1, 2004, and ending June 30, 2005, the
25 10 following amount, or so much thereof as is necessary, to be
25 11 used for the purpose designated:

25 12 For the administration and enforcement of navigation laws
25 13 and water safety:

25 14 \$ 1,400,000

25 15 Notwithstanding section 8.33, moneys transferred and
25 16 appropriated in this section that remain unencumbered or
25 17 unobligated at the close of the fiscal year shall not revert
25 18 to the credit of the fish and game protection fund but shall
25 19 be credited to the special conservation fund established by
25 20 section 462A.52 to be used as provided in that section.

25 21 DEPARTMENT OF NATURAL RESOURCES

25 22 DESIGNATED APPROPRIATIONS

25 23 Sec. 40. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE

25 24 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
25 25 from the unassigned revenue fund administered by the Iowa
25 26 comprehensive underground storage tank fund board, to the

25 27 department of natural resources for the fiscal year beginning
25 28 July 1, 2004, and ending June 30, 2005, the following amount,
25 29 or so much thereof as is necessary, to be used for the purpose
25 30 designated:

25 31 For administration expenses of the underground storage tank
25 32 section of the department of natural resources:

25 33 \$ 200,000

25 34 Sec. 41. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any
25 35 contrary provision of state law, for the fiscal year beginning
26 1 July 1, 2004, and ending June 30, 2005, the department of
26 2 natural resources may use additional funds available to the
26 3 department from stormwater discharge permit fees for the
26 4 staffing of the following additional full-time staff members
26 5 to reduce the department's floodplain permit backlog:

26 6 FTEs 2.00

26 7 Sec. 42. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY
26 8 LOAD PROGRAM. Notwithstanding any contrary provision of state
26 9 law, for the fiscal year beginning July 1, 2004, and ending
26 10 June 30, 2005, the department of natural resources may use
26 11 additional funds available to the department from stormwater
26 12 discharge permit fees for the staffing of the following
26 13 additional full-time equivalent positions for implementation
26 14 of the federal total maximum daily load program:

26 15 FTEs 2.00

26 16 MISCELLANEOUS PROVISIONS

26 17 Sec. 43. Section 424.19, Code Supplement 2003, is amended
26 18 to read as follows:

26 19 424.19 FUTURE REPEAL.

26 20 This chapter is repealed effective June 30, ~~2014~~ 2016.

26 21 Sec. 44. CONTINGENT EFFECTIVENESS. The moneys
26 22 appropriated from the general fund of the state to the
26 23 department of agriculture and land stewardship for purposes of
26 24 supporting the testing and monitoring of avian influenza as
26 25 provided in this division of this Act shall not be effective
26 26 if 2004 Iowa Acts, Senate File 2194, is enacted.

26 27 Sec. 45. CONTINGENT EFFECTIVENESS. The amendment to
26 28 section 424.19, as provided in this division of this Act, is
26 29 effective only if 2004 Iowa Acts, House File 2401, is enacted.

26 30 DIVISION III

26 31 ECONOMIC DEVELOPMENT

26 32 Sec. 46. GOALS AND ACCOUNTABILITY.

26 33 1. The goals for the department of economic development
26 34 shall be to expand and stimulate the state economy, increase
26 35 the wealth of Iowans, and increase the population of the
27 1 state.

27 2 2. To achieve the goals in subsection 1, the department of
27 3 economic development shall do all of the following:

27 4 a. Concentrate its efforts on programs and activities that
27 5 result in commercially viable products and services.

27 6 b. Adopt practices and services consistent with free
27 7 market, private sector philosophies.

27 8 c. Ensure economic growth and development throughout the
27 9 state.

27 10 3. The department of economic development shall
27 11 demonstrate accountability by using performance measures
27 12 appropriate to show the attainment of the goals in subsection
27 13 1 for the state and by measuring the effectiveness and results
27 14 of the department's programs and activities. The performance
27 15 measures and associated benchmarks shall be developed or
27 16 identified in cooperation with the legislative services agency
27 17 and approved by the joint appropriations subcommittee on
27 18 economic development. The data demonstrating accountability
27 19 collected by the department shall be made readily available
27 20 and maintained in computer-readable format.

27 21 Sec. 47. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
27 22 appropriated from the general fund of the state to the
27 23 department of economic development for the fiscal year
27 24 beginning July 1, 2004, and ending June 30, 2005, the
27 25 following amounts, or so much thereof as is necessary, to be
27 26 used for the purposes designated:

27 27 1. ADMINISTRATION DIVISION

27 28 a. General administration

27 29 For salaries, support, maintenance, miscellaneous purposes,
27 30 programs, for the transfer to the Iowa state commission grant
27 31 program, and for not more than the following full-time
27 32 equivalent positions:

27 33 \$ 1,562,332

27 34 FTEs 28.75

27 35 b. The department shall work with businesses and
28 1 communities to continually improve the economic development
28 2 climate along with the economic well-being and quality of life

28 3 for Iowans. The administration division shall coordinate with
28 4 other state agencies ensuring that all state departments are
28 5 attentive to the needs of an entrepreneurial culture.

28 6 2. BUSINESS DEVELOPMENT DIVISION

28 7 a. Business development operations

28 8 For business development operations and programs,
28 9 international trade, export assistance, workforce recruitment,
28 10 the partner state program, for transfer to the strategic
28 11 investment fund, for transfer to the value-added agricultural
28 12 products and processes financial assistance fund, salaries,
28 13 support, maintenance, miscellaneous purposes, and for not more
28 14 than the following full-time equivalent positions:

28 15 \$ 5,784,500
28 16 FTEs 57.00

28 17 b. The department shall establish a strong and aggressive
28 18 marketing image to showcase Iowa's workforce, existing
28 19 industry, and potential. A priority shall be placed on
28 20 recruiting new businesses, business expansion, and retaining
28 21 existing Iowa businesses. Emphasis shall also be placed on
28 22 entrepreneurial development through helping to secure capital
28 23 for entrepreneurs, and developing networks and a business
28 24 climate conducive to entrepreneurs and small business.

28 25 c. Notwithstanding section 8.33, moneys appropriated in
28 26 this subsection that remain unencumbered or unobligated at the
28 27 close of the fiscal year shall not revert but shall remain
28 28 available for expenditure for the purposes designated until
28 29 the close of the succeeding fiscal year.

28 30 3. COMMUNITY DEVELOPMENT DIVISION

28 31 a. Community development programs

28 32 For salaries, support, maintenance, miscellaneous purposes,
28 33 community economic development programs, tourism operations,
28 34 community assistance, the film office, the mainstreet and
28 35 rural mainstreet programs, the school-to-career program, the
29 1 community development block grant, and housing and shelter=
29 2 related programs and for not more than the following full-time
29 3 equivalent positions:

29 4 \$ 5,730,725
29 5 FTEs 61.75

29 6 b. The department shall encourage development of
29 7 communities and quality of life to foster economic growth.
29 8 The department shall prepare communities for future growth and
29 9 development through development, expansion, and modernization
29 10 of infrastructure.

29 11 c. The department shall develop public-private
29 12 partnerships with Iowa businesses in the tourism industry,
29 13 Iowa tour groups, Iowa tourism organizations, and political
29 14 subdivisions in this state to assist in the development of
29 15 advertising efforts. The department shall, to the fullest
29 16 extent possible, develop cooperative efforts for advertising
29 17 with contributions from other sources.

29 18 d. Notwithstanding section 8.33, moneys appropriated in
29 19 this subsection that remain unencumbered or unobligated at the
29 20 close of the fiscal year shall not revert to any fund but
29 21 shall remain available for expenditure for the designated
29 22 purposes during the succeeding fiscal year.

29 23 4. For allocating moneys for the world food prize:

29 24 \$ 285,000

29 25 Sec. 48. VISION IOWA PROGRAM == FTE AUTHORIZATION. For
29 26 purposes of administrative duties associated with the vision
29 27 Iowa program, the department of economic development is
29 28 authorized an additional 2.25 full-time equivalent positions
29 29 above those otherwise authorized in this division of this Act.

29 30 Sec. 49. RURAL COMMUNITY 2000 PROGRAM. There is

29 31 appropriated from loan repayments on loans under the former
29 32 rural community 2000 program, sections 15.281 through 15.288,
29 33 Code 2001, to the department of economic development for the
29 34 fiscal year beginning July 1, 2004, and ending June 30, 2005,
29 35 the following amounts, or so much thereof as is necessary, to
30 1 be used for the purposes designated:

30 2 1. For providing financial assistance to Iowa's councils
30 3 of governments that provide technical and planning assistance
30 4 to local governments:

30 5 \$ 150,000

30 6 2. For the rural development program for the purposes of
30 7 the program including the rural enterprise fund and
30 8 collaborative skills development training:

30 9 \$ 120,000

30 10 Sec. 50. INSURANCE ECONOMIC DEVELOPMENT. There is

30 11 appropriated from moneys collected by the division of
30 12 insurance in excess of the anticipated gross revenues under
30 13 section 505.7, subsection 3, to the department of economic

30 14 development for the fiscal year beginning July 1, 2004, and
30 15 ending June 30, 2005, the following amount, or so much thereof
30 16 as is necessary, for insurance economic development and
30 17 international insurance economic development:
30 18 \$ 100,000
30 19 Sec. 51. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
30 20 section 15E.120, subsection 5, there is appropriated from the
30 21 Iowa community development loan fund all the moneys available
30 22 during the fiscal year beginning July 1, 2004, and ending June
30 23 30, 2005, to the department of economic development for the
30 24 community development program to be used by the department for
30 25 the purposes of the program.
30 26 Sec. 52. WORKFORCE DEVELOPMENT FUND. There is
30 27 appropriated from the workforce development fund account
30 28 created in section 15.342A, to the workforce development fund
30 29 created in section 15.343, for the fiscal year beginning July
30 30 1, 2004, and ending June 30, 2005, the following amount, for
30 31 the purposes of the workforce development fund, and for not
30 32 more than the following full-time equivalent positions:
30 33 \$ 4,000,000
30 34 FTEs 4.00
30 35 Sec. 53. WORKFORCE DEVELOPMENT ADMINISTRATION. From funds
31 1 appropriated or transferred to or receipts credited to the
31 2 workforce development fund created in section 15.343, up to
31 3 \$400,000 for the fiscal year beginning July 1, 2004, and
31 4 ending June 30, 2005, may be used for the administration of
31 5 workforce development activities including salaries, support,
31 6 maintenance, and miscellaneous purposes and for not more than
31 7 4.00 full-time equivalent positions.
31 8 Sec. 54. JOB TRAINING FUND. Notwithstanding section
31 9 15.251, all remaining moneys in the job training fund on July
31 10 1, 2004, and any moneys appropriated or credited to the fund
31 11 during the fiscal year beginning July 1, 2004, shall be
31 12 transferred to the workforce development fund established
31 13 pursuant to section 15.343.
31 14 Sec. 55. IOWA STATE UNIVERSITY.
31 15 1. There is appropriated from the general fund of the
31 16 state to the Iowa state university of science and technology
31 17 for the fiscal year beginning July 1, 2004, and ending June
31 18 30, 2005, the following amount, or so much thereof as is
31 19 necessary, to be used for small business development centers,
31 20 the science and technology research park, the institute for
31 21 physical research, and for not more than the following full-
31 22 time equivalent positions:
31 23 \$ 2,363,557
31 24 FTEs 56.53
31 25 2. Of the moneys appropriated in subsection 1, Iowa state
31 26 university shall allocate at least \$550,000 for purposes of
31 27 funding small business development centers. Small business
31 28 development centers shall be located equally throughout the
31 29 different regions of the state. Iowa state university may
31 30 allocate moneys appropriated in subsection 1 to the various
31 31 small business development centers in any manner necessary to
31 32 achieve the purposes of this subsection.
31 33 3. Iowa state university of science and technology shall
31 34 do all of the following:
31 35 a. Direct expenditures for research toward projects that
32 1 will provide economic stimulus for Iowa.
32 2 b. Emphasize that a business and an individual that
32 3 creates a business and receives benefits from a program
32 4 funded, in part, through moneys appropriated in this section
32 5 have a commercially viable product or service.
32 6 c. Provide emphasis to providing services to Iowa-based
32 7 companies.
32 8 4. It is the intent of the general assembly that the
32 9 industrial incentive program focus on Iowa industrial sectors
32 10 and seek contributions and in-kind donations from businesses,
32 11 industrial foundations, and trade associations and that moneys
32 12 for the institute for physical research and technology
32 13 industrial incentive program shall only be allocated for
32 14 projects which are matched by private sector moneys for
32 15 directed contract research or for nondirected research. The
32 16 match required of small businesses as defined in section
32 17 15.102, subsection 4, for directed contract research or for
32 18 nondirected research shall be \$1 for each \$3 of state funds.
32 19 The match required for other businesses for directed contract
32 20 research or for nondirected research shall be \$1 for each \$1
32 21 of state funds. The match required of industrial foundations
32 22 or trade associations shall be \$1 for each \$1 of state funds.
32 23 Iowa state university of science and technology shall
32 24 report annually to the joint appropriations subcommittee on

32 25 economic development and the legislative services agency the
32 26 total amount of private contributions, the proportion of
32 27 contributions from small businesses and other businesses, and
32 28 the proportion for directed contract research and nondirected
32 29 research of benefit to Iowa businesses and industrial sectors.
32 30 Notwithstanding section 8.33, moneys appropriated in this
32 31 section that remain unencumbered or unobligated at the close
32 32 of the fiscal year shall not revert but shall remain available
32 33 for expenditure for the purposes designated until the close of
32 34 the succeeding fiscal year.

32 35 Sec. 56. UNIVERSITY OF IOWA.

33 1 1. There is appropriated from the general fund of the
33 2 state to the state university of Iowa for the fiscal year
33 3 beginning July 1, 2004, and ending June 30, 2005, the
33 4 following amount, or so much thereof as is necessary, to be
33 5 used for the university of Iowa research park and for the
33 6 advanced drug development program at the Oakdale research
33 7 park, including salaries, support, maintenance, equipment,
33 8 miscellaneous purposes, and for not more than the following
33 9 full-time equivalent positions:

33 10	\$	247,005
33 11	FTEs	6.00

33 12 2. The university of Iowa shall do all of the following:

33 13 a. Direct expenditures for research toward projects that
33 14 will provide economic stimulus for Iowa.

33 15 b. Emphasize that a business and an individual that
33 16 creates a business and receives benefits from a program
33 17 funded, in part, through moneys appropriated in this section
33 18 have a commercially viable product or service.

33 19 c. Provide emphasis to providing services to Iowa-based
33 20 companies.

33 21 3. The board of regents shall submit a report on the
33 22 progress of regents institutions in meeting the strategic plan
33 23 for technology transfer and economic development to the
33 24 secretary of the senate, the chief clerk of the house of
33 25 representatives, and the legislative services agency by
33 26 January 15, 2005.

33 27 4. Notwithstanding section 8.33, moneys appropriated in
33 28 this section that remain unencumbered or unobligated at the
33 29 close of the fiscal year shall not revert but shall remain
33 30 available for expenditure for the purposes designated until
33 31 the close of the succeeding fiscal year.

33 32 Sec. 57. UNIVERSITY OF NORTHERN IOWA.

33 33 1. There is appropriated from the general fund of the
33 34 state to the university of northern Iowa for the fiscal year
33 35 beginning July 1, 2004, and ending June 30, 2005, the
34 1 following amount, or so much thereof as is necessary, to be
34 2 used for the metal casting institute, and for the institute of
34 3 decision making, including salaries, support, maintenance,
34 4 miscellaneous purposes, and for not more than the following
34 5 full-time equivalent positions:

34 6	\$	361,291
34 7	FTEs	4.75

34 8 2. The university of northern Iowa shall do all of the
34 9 following:

34 10 a. Direct expenditures for research toward projects that
34 11 will provide economic stimulus for Iowa.

34 12 b. Emphasize that a business and an individual that
34 13 creates a business and receives benefits from a program
34 14 funded, in part, through moneys appropriated in this section
34 15 have a commercially viable product or service.

34 16 c. Provide emphasis to providing services to Iowa-based
34 17 companies.

34 18 3. Notwithstanding section 8.33, moneys appropriated in
34 19 this section that remain unencumbered or unobligated at the
34 20 close of the fiscal year shall not revert but shall remain
34 21 available for expenditure for the purposes designated until
34 22 the close of the succeeding fiscal year.

34 23 Sec. 58. DEPARTMENT OF WORKFORCE DEVELOPMENT.

34 24 1. There is appropriated from the general fund of the
34 25 state to the department of workforce development for the
34 26 fiscal year beginning July 1, 2004, and ending June 30, 2005,
34 27 the following amount, or so much thereof as is necessary, for
34 28 the division of labor services, the division of workers'
34 29 compensation, the workforce development state and regional
34 30 boards, the new employment opportunity fund, salaries,
34 31 support, maintenance, miscellaneous purposes, and for not more
34 32 than the following full-time equivalent positions:

34 33	\$	5,189,124
34 34	FTEs	100.20

34 35 2. From the contractor registration fees, the division of

35 1 labor services shall reimburse the department of inspections
35 2 and appeals for all costs associated with hearings under
35 3 chapter 91C, relating to contractor registration.
35 4 3. The division of workers' compensation shall continue
35 5 charging a \$65 filing fee for workers' compensation cases.
35 6 The filing fee shall be paid by the petitioner of a claim.
35 7 However, the fee can be taxed as a cost and paid by the losing
35 8 party, except in cases where it would impose an undue hardship
35 9 or be unjust under the circumstances.

35 10 4. Notwithstanding section 8.33, moneys appropriated in
35 11 this section that remain unencumbered or unobligated at the
35 12 close of the fiscal year shall not revert but shall remain
35 13 available for expenditure for the purposes designated until
35 14 the close of the succeeding fiscal year.

35 15 5. Five full-time equivalent positions shall be designated
35 16 for safety and health consultants for the division of labor
35 17 services.

35 18 6. One full-time equivalent position shall be designated
35 19 for a deputy commissioner in the division of workers'
35 20 compensation.

35 21 Sec. 59. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND.
35 22 Notwithstanding section 96.7, subsection 12, paragraph "c",
35 23 there is appropriated from the administrative contribution
35 24 surcharge fund of the state to the department of workforce
35 25 development for the fiscal year beginning July 1, 2004, and
35 26 ending June 30, 2005, any moneys remaining in the
35 27 administrative contribution surcharge fund on June 30, 2004,
35 28 and the entire amount collected during the fiscal year
35 29 beginning July 1, 2004, and ending June 30, 2005, or so much
35 30 thereof as is necessary, for salaries, support, maintenance,
35 31 conducting labor market surveys, miscellaneous purposes, and
35 32 for workforce development regional advisory board member
35 33 expenses.

35 34 Sec. 60. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
35 35 appropriated from the special employment security contingency
36 1 fund to the department of workforce development for the fiscal
36 2 year beginning July 1, 2004, and ending June 30, 2005, the
36 3 following amounts, or so much thereof as is necessary, for the
36 4 purposes designated:

36 5 1. DIVISION OF WORKERS' COMPENSATION
36 6 For salaries, support, maintenance, and miscellaneous
36 7 purposes:
36 8 \$ 471,000

36 9 2. IMMIGRATION SERVICE CENTERS
36 10 For salaries, support, maintenance, and miscellaneous
36 11 purposes for the pilot immigration service centers:
36 12 \$ 160,000

36 13 The department of workforce development shall maintain
36 14 pilot immigration service centers that offer one-stop services
36 15 to deal with the multiple issues related to immigration and
36 16 employment. The pilot centers shall be designed to support
36 17 workers, businesses, and communities with information,
36 18 referrals, job placement assistance, translation, language
36 19 training, resettlement, as well as technical and legal
36 20 assistance on such issues as forms and documentation. Through
36 21 the coordination of local, state, and federal service
36 22 providers, and through the development of partnerships with
36 23 public, private, and nonprofit entities with established
36 24 records of international service, these pilot centers shall
36 25 seek to provide a seamless service delivery system for new
36 26 Iowans.

36 27 Any remaining additional penalty and interest revenue may
36 28 be allocated and used to accomplish the mission of the
36 29 department.

36 30 Sec. 61. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
36 31 appropriated from the general fund of the state to the public
36 32 employment relations board for the fiscal year beginning July
36 33 1, 2004, and ending June 30, 2005, the following amount, or so
36 34 much thereof as is necessary, for the purposes designated:

36 35 For salaries, support, maintenance, miscellaneous purposes,
37 1 and for not more than the following full-time equivalent
37 2 positions:
37 3 \$ 895,752
37 4 FTEs 10.00

37 5 Sec. 62. IOWA COMMUNITY COLLEGE ONE SOURCE TRAINING
37 6 INITIATIVE. In the interest of putting an emphasis on the
37 7 software and information technology sector in this state, the
37 8 Iowa community college one source training initiative is
37 9 encouraged to explore a partnership with software and
37 10 information technology of Iowa to identify methods of funding
37 11 the training and retraining needs of the software and

37 12 information technology sector in Iowa. To the extent
37 13 possible, funding from the workforce training and economic
37 14 development moneys in the grow Iowa values fund should be
37 15 considered as a potential funding source for these purposes.
37 16 Sec. 63. VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES
37 17 FINANCIAL ASSISTANCE FUND MONEYS. The office of renewable
37 18 fuels and coproducts may apply to the department of economic
37 19 development for moneys in the value-added agricultural
37 20 products and processes financial assistance fund for deposit
37 21 in the renewable fuels and coproducts fund created in section
37 22 159A.7.

37 23 Sec. 64. IOWA FINANCE AUTHORITY AUDIT. The auditor of
37 24 state is requested to review the audit of the Iowa finance
37 25 authority performed by the auditor hired by the authority.
37 26 The auditor of state is also requested to conduct a
37 27 performance audit of the authority to determine the
37 28 effectiveness of the authority and the programs of the
37 29 authority.

37 30 Sec. 65. APPLICATION FOR DEPARTMENT OF ECONOMIC
37 31 DEVELOPMENT MONEYS. For the fiscal year beginning July 1,
37 32 2004, any entity that was specifically identified in 2001 Iowa
37 33 Acts, chapter 188, to receive funding from the department of
37 34 economic development, excluding any entity identified to
37 35 receive a direct appropriation beginning July 1, 2004, may
38 1 apply to the department for assistance through the appropriate
38 2 program. The department shall provide application criteria
38 3 necessary to implement this section.

38 4 Sec. 66. EXPENDITURE AND ALLOCATION REPORTS. The
38 5 department of economic development, the department of
38 6 workforce development, and the regents institutions receiving
38 7 an appropriation pursuant to this division of this Act shall
38 8 file a written report on a quarterly basis with the
38 9 chairpersons and ranking members of the joint appropriations
38 10 subcommittee on economic development and the legislative
38 11 services agency regarding all expenditures of moneys
38 12 appropriated pursuant to this division of this Act during the
38 13 quarter, allocations of moneys appropriated pursuant to this
38 14 Act during the quarter, and full-time equivalent positions
38 15 allocated during the quarter.

38 16 Sec. 67. SHELTER ASSISTANCE FUND. In providing moneys
38 17 from the shelter assistance fund to homeless shelter programs
38 18 in the fiscal year beginning July 1, 2004, and ending June 30,
38 19 2005, the department of economic development shall explore the
38 20 potential of allocating moneys to homeless shelter programs
38 21 based in part on their ability to move their clients toward
38 22 self-sufficiency.

38 23 Sec. 68. FEDERAL GRANTS. All federal grants to and the
38 24 federal receipts of agencies appropriated funds under this
38 25 division of this Act, not otherwise appropriated, are
38 26 appropriated for the purposes set forth in the federal grants
38 27 or receipts unless otherwise provided by the general assembly.

38 28 Sec. 69. UNEMPLOYMENT COMPENSATION PROGRAM.
38 29 Notwithstanding section 96.9, subsection 4, paragraph "a",
38 30 moneys credited to the state by the secretary of the treasury
38 31 of the United States pursuant to section 903 of the Social
38 32 Security Act shall be appropriated to the department of
38 33 workforce development and shall be used by the department for
38 34 the administration of the unemployment compensation program
38 35 only. This appropriation shall not apply to any fiscal year
39 1 beginning after December 31, 2004.

39 2 Sec. 70. PAYROLL EXPENDITURE REFUNDS. There is
39 3 appropriated from the general fund of the state to the
39 4 department of economic development for the fiscal year
39 5 beginning July 1, 2004, and ending June 30, 2005, \$27,786, or
39 6 so much thereof as is necessary, to pay refunds as provided
39 7 under section 15.365.

39 8 DIVISION IV
39 9 EDUCATION

39 10 COLLEGE STUDENT AID COMMISSION

39 11 Sec. 71. There is appropriated from the general fund of
39 12 the state to the college student aid commission for the fiscal
39 13 year beginning July 1, 2004, and ending June 30, 2005, the
39 14 following amounts, or so much thereof as may be necessary, to
39 15 be used for the purposes designated:

39 16 1. GENERAL ADMINISTRATION

39 17 For salaries, support, maintenance, miscellaneous purposes,
39 18 and for not more than the following full-time equivalent
39 19 positions:

39 20 \$ 298,825
39 21 FTEs 4.30

39 22 2. STUDENT AID PROGRAMS

39 23 For payments to students for the Iowa grant program:
39 24 \$ 1,029,784
39 25 3. DES MOINES UNIVERSITY == OSTEOPATHIC MEDICAL CENTER
39 26 For the Des Moines university == osteopathic medical center
39 27 for an initiative in primary health care to direct primary
39 28 care physicians to shortage areas in the state:
39 29 \$ 396,451
39 30 From the funds appropriated in this subsection, \$50,000
39 31 shall be used for forgivable loans in accordance with section
39 32 261.19, subsection 2.
39 33 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
39 34 For purposes of providing national guard educational
39 35 assistance under the program established in section 261.86:
40 1 \$ 2,900,000
40 2 5. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM
40 3 For the teacher shortage forgivable loan program
40 4 established in section 261.111:
40 5 \$ 460,472
40 6 Sec. 72. WORK=STUDY APPROPRIATION NULLIFICATION FOR FY
40 7 2004=2005. Notwithstanding section 261.85, for the fiscal
40 8 year beginning July 1, 2004, and ending June 30, 2005, the
40 9 amount appropriated for the work=study program under section
40 10 261.85 shall be zero.
40 11 DEPARTMENT FOR THE BLIND
40 12 Sec. 73. ADMINISTRATION. There is appropriated from the
40 13 general fund of the state to the department for the blind for
40 14 the fiscal year beginning July 1, 2004, and ending June 30,
40 15 2005, the following amount, or so much thereof as is
40 16 necessary, to be used for the purposes designated:
40 17 For salaries, support, maintenance, miscellaneous purposes
40 18 and for not more than the following full-time equivalent
40 19 positions:
40 20 \$ 1,541,907
40 21 FTEs 109.51
40 22 DEPARTMENT OF CULTURAL AFFAIRS
40 23 Sec. 74. There is appropriated from the general fund of
40 24 the state to the department of cultural affairs for the fiscal
40 25 year beginning July 1, 2004, and ending June 30, 2005, the
40 26 following amounts, or so much thereof as is necessary, to be
40 27 used for the purposes designated:
40 28 1. ADMINISTRATION
40 29 For salaries, support, maintenance, miscellaneous purposes,
40 30 and for not more than the following full-time equivalent
40 31 positions:
40 32 \$ 214,475
40 33 FTEs 1.17
40 34 The department of cultural affairs shall coordinate
40 35 activities with the tourism office of the department of
41 1 economic development to promote attendance at the state
41 2 historical building and at this state's historic sites.
41 3 2. COMMUNITY CULTURAL GRANTS
41 4 For planning and programming for the community cultural
41 5 grants program established under section 303.3:
41 6 \$ 299,240
41 7 3. HISTORICAL DIVISION
41 8 For salaries, support, maintenance, miscellaneous purposes,
41 9 and for not more than the following full-time equivalent
41 10 positions:
41 11 \$ 2,868,725
41 12 FTEs 54.78
41 13 4. HISTORIC SITES
41 14 For salaries, support, maintenance, miscellaneous purposes,
41 15 and for not more than the following full-time equivalent
41 16 positions:
41 17 \$ 526,459
41 18 FTEs 8.00
41 19 5. ARTS DIVISION
41 20 For salaries, support, maintenance, miscellaneous purposes,
41 21 including funds to match federal grants and for not more than
41 22 the following full-time equivalent positions:
41 23 \$ 1,157,486
41 24 FTEs 7.55
41 25 DEPARTMENT OF EDUCATION
41 26 Sec. 75. There is appropriated from the general fund of
41 27 the state to the department of education for the fiscal year
41 28 beginning July 1, 2004, and ending June 30, 2005, the
41 29 following amounts, or so much thereof as may be necessary, to
41 30 be used for the purposes designated:
41 31 1. GENERAL ADMINISTRATION
41 32 For salaries, support, maintenance, miscellaneous purposes,
41 33 and for not more than the following full-time equivalent

41 34 positions:

41 35 \$ 5,168,114

42 1 FTEs 85.65

42 2 The director of the department of education shall ensure

42 3 that all school districts are aware of the state education

42 4 resources available on the state website for listing teacher

42 5 job openings and shall make every reasonable effort to enable

42 6 qualified practitioners to post their resumes on the state

42 7 website. The department shall administer the posting of job

42 8 vacancies for school districts, accredited nonpublic schools,

42 9 and area education agencies on the state website. The

42 10 department may coordinate this activity with the Iowa school

42 11 board association or other interested education associations

42 12 in the state. The department shall strongly encourage school

42 13 districts to seek direct claiming under the medical assistance

42 14 program for funding of school district nursing services for

42 15 students.

42 16 2. VOCATIONAL EDUCATION ADMINISTRATION

42 17 For salaries, support, maintenance, miscellaneous purposes,

42 18 and for not more than the following full-time equivalent

42 19 positions:

42 20 \$ 514,828

42 21 FTEs 18.25

42 22 3. VOCATIONAL REHABILITATION SERVICES DIVISION

42 23 a. For salaries, support, maintenance, miscellaneous

42 24 purposes, and for not more than the following full-time

42 25 equivalent positions:

42 26 \$ 4,278,784

42 27 FTEs 281.50

42 28 The division of vocational rehabilitation services shall

42 29 seek funding from other sources, such as local funds, for

42 30 purposes of matching the state's federal vocational

42 31 rehabilitation allocation, as well as for matching other

42 32 federal vocational rehabilitation funding that may become

42 33 available.

42 34 Except where prohibited under federal law, the division of

42 35 vocational rehabilitation services of the department of

43 1 education shall accept client assessments, or assessments of

43 2 potential clients, performed by other agencies in order to

43 3 reduce duplication of effort.

43 4 Notwithstanding the full-time equivalent position limit

43 5 established in this lettered paragraph, for the fiscal year

43 6 ending June 30, 2005, if federal funding is received to pay

43 7 the costs of additional employees for the vocational

43 8 rehabilitation services division who would have duties

43 9 relating to vocational rehabilitation services paid for

43 10 through federal funding, authorization to hire not more than

43 11 4.00 additional full-time equivalent employees shall be

43 12 provided, the full-time equivalent position limit shall be

43 13 exceeded, and the additional employees shall be hired by the

43 14 division.

43 15 b. For matching funds for programs to enable persons with

43 16 severe physical or mental disabilities to function more

43 17 independently, including salaries and support, and for not

43 18 more than the following full-time equivalent position:

43 19 \$ 54,150

43 20 FTEs 1.00

43 21 The highest priority use for the moneys appropriated under

43 22 this lettered paragraph shall be for programs that emphasize

43 23 employment and assist persons with severe physical or mental

43 24 disabilities to find and maintain employment to enable them to

43 25 function more independently.

43 26 4. STATE LIBRARY

43 27 a. For salaries, support, maintenance, miscellaneous

43 28 purposes, and for not more than the following full-time

43 29 equivalent positions:

43 30 \$ 1,262,603

43 31 FTEs 18.00

43 32 b. For the enrich Iowa program:

43 33 \$ 1,698,432

43 34 (1) Funds allocated for purposes of the enrich Iowa

43 35 program as provided in this lettered paragraph shall be

44 1 distributed by the division of libraries and information

44 2 services to provide support for Iowa's libraries. The

44 3 commission of libraries shall develop rules governing the

44 4 allocation of funds provided by the general assembly for the

44 5 enrich Iowa program to provide direct state assistance to

44 6 public libraries and to fund the open access and access plus

44 7 programs. Direct state assistance to eligible public

44 8 libraries is provided as an incentive to improve library

44 9 services and to reduce inequities among communities in the

44 10 delivery of library services based on recognized and adopted
44 11 performance measures. Funds distributed as direct state
44 12 assistance shall be distributed to eligible public libraries
44 13 that are in compliance with performance measures adopted by
44 14 rule by the commission of libraries. The funds allocated as
44 15 provided in this lettered paragraph shall not be used for the
44 16 costs of administration by the division. The amount of direct
44 17 state assistance distributed to each eligible public library
44 18 shall be based upon the following:

44 19 (a) The level of compliance by the eligible public library
44 20 with the performance measures adopted by the commission as
44 21 provided in this subparagraph.

44 22 (b) The number of people residing within an eligible
44 23 library's geographic service area for whom the library
44 24 provides services.

44 25 (c) The amount of other funding the eligible public
44 26 library received in the previous fiscal year for providing
44 27 services to rural residents and to contracting communities.

44 28 (2) Moneys received by a public library under this
44 29 lettered paragraph shall supplement, not supplant, any other
44 30 funding received by the library.

44 31 (3) For purposes of this section, "eligible public
44 32 library" means a public library that meets all of the
44 33 following requirements:

44 34 (a) Submits to the division all of the following:

44 35 (i) The report provided for under section 256.51,
45 1 subsection 1, paragraph "h".

45 2 (ii) An application and accreditation report, in a format
45 3 approved by the commission, that provides evidence of the
45 4 library's compliance with at least one level of the standards
45 5 established in accordance with section 256.51, subsection 1,
45 6 paragraph "k".

45 7 (iii) Any other application or report the division deems
45 8 necessary for the implementation of the enrich Iowa program.

45 9 (b) Participates in the library resource and information
45 10 sharing programs established by the state library.

45 11 (c) Is a public library established by city ordinance or a
45 12 library district as provided in chapter 336.

45 13 (4) Each eligible public library shall maintain a separate
45 14 listing within its budget for payments received and
45 15 expenditures made pursuant to this lettered paragraph, and
45 16 shall annually submit this listing to the division.

45 17 (5) By January 15, 2006, the division shall submit a
45 18 program evaluation report to the general assembly and the
45 19 governor detailing the uses and the impacts of funds allocated
45 20 under this lettered paragraph.

45 21 (6) A public library that receives funds in accordance
45 22 with this lettered paragraph shall have an internet use policy
45 23 in place, which may or may not include internet filtering.
45 24 The library shall submit a report describing the library's
45 25 internet use efforts to the division.

45 26 (7) A public library that receives funds in accordance
45 27 with this lettered paragraph shall provide open access, the
45 28 reciprocal borrowing program, as a service to its patrons, at
45 29 a reimbursement rate determined by the state library.

45 30 5. LIBRARY SERVICE AREA SYSTEM

45 31 For state aid:

45 32 \$ 1,376,558

45 33 6. PUBLIC BROADCASTING DIVISION

45 34 For salaries, support, maintenance, capital expenditures,
45 35 miscellaneous purposes, and for not more than the following
46 1 full-time equivalent positions:

46 2 \$ 6,568,514

46 3 FTEs 78.00

46 4 7. REGIONAL TELECOMMUNICATIONS COUNCILS

46 5 For state aid and for not more than the following full-time
46 6 equivalent positions:

46 7 \$ 1,600,806

46 8 FTEs 6.00

46 9 a. Of the amount appropriated in this subsection, \$360,328
46 10 shall be allocated to the public broadcasting division for
46 11 purposes of providing support for functions related to the
46 12 Iowa communications network, including but not limited to the
46 13 following functions: development of distance learning
46 14 applications; development of a central information source on
46 15 the internet relating to educational uses of the network;
46 16 second-line technical support for network sites; testing and
46 17 initializing sites onto the network; and coordinating the work
46 18 of the education telecommunications council.

46 19 b. Of the amount appropriated in this subsection,
46 20 \$1,240,478 shall be allocated to the regional

46 21 telecommunications councils established in section 8D.5. The
46 22 regional telecommunications councils shall use the funds to
46 23 provide technical assistance for network classrooms, planning
46 24 and troubleshooting for local area networks, scheduling of
46 25 video sites, and other related support activities.
46 26 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
46 27 For reimbursement for vocational education expenditures
46 28 made by secondary schools:
46 29 \$ 2,936,904
46 30 Funds appropriated in this subsection shall be used for
46 31 expenditures made by school districts to meet the standards
46 32 set in sections 256.11, 258.4, and 260C.14 as a result of the
46 33 enactment of 1989 Iowa Acts, chapter 278. Funds shall be used
46 34 as reimbursement for vocational education expenditures made by
46 35 secondary schools in the manner provided by the department of
47 1 education for implementation of the standards set in 1989 Iowa
47 2 Acts, chapter 278.
47 3 9. SCHOOL FOOD SERVICE
47 4 For use as state matching funds for federal programs that
47 5 shall be disbursed according to federal regulations, including
47 6 salaries, support, maintenance, and miscellaneous purposes:
47 7 \$ 2,509,683
47 8 10. IOWA EMPOWERMENT FUND
47 9 For deposit in the school ready children grants account of
47 10 the Iowa empowerment fund created in section 28.9:
47 11 \$ 13,381,594
47 12 a. From the moneys deposited in the school ready children
47 13 grants account for the fiscal year beginning July 1, 2004, and
47 14 ending June 30, 2005, not more than \$200,000 is allocated for
47 15 the community empowerment office and other technical
47 16 assistance activities. It is the intent of the general
47 17 assembly that regional technical assistance teams will be
47 18 established and will include staff from various agencies, as
47 19 appropriate, including the area education agencies, community
47 20 colleges, and the Iowa state university of science and
47 21 technology cooperative extension service in agriculture and
47 22 home economics. The Iowa empowerment board shall direct staff
47 23 to work with the advisory council to inventory technical
47 24 assistance needs. Funds allocated under this lettered
47 25 paragraph may be used by the Iowa empowerment board for the
47 26 purpose of skills development and support for ongoing training
47 27 of the regional technical assistance teams. However, funds
47 28 shall not be used for additional staff or for the
47 29 reimbursement of staff.
47 30 b. Notwithstanding any other provision of law to the
47 31 contrary, the community empowerment office shall use the
47 32 documentation created by the legislative services agency to
47 33 continue the implementation of the four-year phase-in period
47 34 of the distribution formula approved by the community
47 35 empowerment board.
48 1 c. As a condition of receiving funding appropriated in
48 2 this subsection, each community empowerment area board shall
48 3 report to the Iowa empowerment board progress on each of the
48 4 state indicators approved by the state board, as well as
48 5 progress on local indicators. The community empowerment area
48 6 board must also submit a written plan amendment extending by
48 7 one year the area's comprehensive school ready children grant
48 8 plan developed for providing services for children from birth
48 9 through five years of age and provide other information
48 10 specified by the Iowa empowerment board. The amendment may
48 11 also provide for changes in the programs and services provided
48 12 under the plan. The Iowa empowerment board shall establish a
48 13 submission deadline for the plan amendment that allows a
48 14 reasonable period of time for preparation of the plan
48 15 amendment and for review and approval or request for
48 16 modification of the plan amendment by the Iowa empowerment
48 17 board. In addition, the community empowerment board must
48 18 continue to comply with reporting provisions and other
48 19 requirements adopted by the Iowa empowerment board in
48 20 implementing section 28.8.
48 21 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
48 22 To provide funds for costs of providing textbooks to each
48 23 resident pupil who attends a nonpublic school as authorized by
48 24 section 301.1. The funding is limited to \$20 per pupil and
48 25 shall not exceed the comparable services offered to resident
48 26 public school pupils:
48 27 \$ 590,458
48 28 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
48 29 For purposes, as provided in law, of the student
48 30 achievement and teacher quality program established pursuant
48 31 to chapter 284:

48 32 \$ 43,113,894

48 33 13. COMMUNITY COLLEGES

48 34 For general state financial aid to merged areas as defined

48 35 in section 260C.2 in accordance with chapters 258 and 260C:

49 1 \$139,779,244

49 2 The funds appropriated in this subsection shall be

49 3 allocated as follows:

49 4 a. Merged Area I \$ 6,717,353

49 5 b. Merged Area II \$ 7,859,917

49 6 c. Merged Area III \$ 7,295,985

49 7 d. Merged Area IV \$ 3,569,332

49 8 e. Merged Area V \$ 7,499,287

49 9 f. Merged Area VI \$ 6,918,909

49 10 g. Merged Area VII \$ 10,008,601

49 11 h. Merged Area IX \$ 12,311,409

49 12 i. Merged Area X \$ 19,369,288

49 13 j. Merged Area XI \$ 20,524,506

49 14 k. Merged Area XII \$ 8,084,396

49 15 l. Merged Area XIII \$ 8,298,918

49 16 m. Merged Area XIV \$ 3,612,936

49 17 n. Merged Area XV \$ 11,362,216

49 18 o. Merged Area XVI \$ 6,346,191

49 19 Sec. 76. BOARD OF EDUCATIONAL EXAMINERS LICENSING FEES.

49 20 Notwithstanding section 272.10, up to 85 percent of any funds

49 21 received annually resulting from an increase in fees approved

49 22 and implemented for licensing by the state board of

49 23 educational examiners after July 1, 1997, and before June 30,

49 24 2003, and up to 70 percent of any funds received annually

49 25 resulting from an increase in fees approved and implemented

49 26 for licensing by the state board after July 1, 2003, shall be

49 27 available for the fiscal year beginning July 1, 2004, to the

49 28 state board for purposes related to the state board's duties,

49 29 including, but not limited to, additional full-time equivalent

49 30 positions. The director of the department of administrative

49 31 services shall draw warrants upon the treasurer of state from

49 32 the funds appropriated as provided in this section and shall

49 33 make the funds resulting from the increase in fees available

49 34 during the fiscal year to the state board on a monthly basis.

49 35 Sec. 77. MINIMUM TEACHER SALARY REQUIREMENTS == FY 2004=

50 1 2005.

50 2 1. Notwithstanding section 284.7, subsection 1, paragraph

50 3 "a", subparagraph (2), the minimum teacher salary paid by a

50 4 school district or area education agency for purposes of

50 5 teacher compensation in accordance with chapter 284, for the

50 6 fiscal year beginning July 1, 2004, and ending June 30, 2005,

50 7 shall be the minimum salary amount the school district or area

50 8 education agency paid to a first-year beginning teacher or,

50 9 the minimum salary amount the school district or area

50 10 education agency would have paid a first-year beginning

50 11 teacher if the school district or area education agency had

50 12 participated in the program in the 2001=2002 school year, in

50 13 accordance with section 284.7, subsection 1, Code Supplement

50 14 2001. If the school district or area education agency did not

50 15 employ a first-year beginning teacher in the 2001=2002 school

50 16 year, the minimum salary is the amount that the district would

50 17 have paid a first-year beginning teacher under chapter 284 in

50 18 the 2001=2002 school year.

50 19 2. Notwithstanding section 284.7, subsection 1, paragraph

50 20 "b", subparagraph (2), the minimum career teacher salary paid

50 21 to a career teacher who was a beginning teacher in the 2001=

50 22 2002 school year, by a school district or area education

50 23 agency participating in the student achievement and teacher

50 24 quality program, for the school year beginning July 1, 2004,

50 25 and ending June 30, 2005, shall be, unless the school district

50 26 has a minimum career teacher salary that exceeds thirty

50 27 thousand dollars, one thousand dollars greater than the

50 28 minimum salary amount the school district or area education

50 29 agency paid to a first-year beginning teacher if the school

50 30 district or area education agency participated in the program

50 31 during the 2001=2002 school year, or the minimum salary amount

50 32 the school district or area education agency would have paid a

50 33 first-year beginning teacher if the school district or area

50 34 education agency had participated in the program in the 2001=

50 35 2002 school year, in accordance with section 284.7, subsection

51 1 1, Code Supplement 2001.

51 2 3. Notwithstanding section 284.7, subsection 1, paragraph

51 3 "b", subparagraph (2), and except as provided in subsection 2,

51 4 the minimum career teacher salary paid by a school district or

51 5 area education agency participating in the student achievement

51 6 and teacher quality program, for purposes of teacher

51 7 compensation in accordance with chapter 284, for the school

51 8 year beginning July 1, 2004, and ending June 30, 2005, shall
51 9 be the minimum salary amount the school district or area
51 10 education agency paid to a career teacher if the school
51 11 district or area education agency participated in the program
51 12 during the 2001=2002 school year, or, the minimum salary
51 13 amount the school district or area education agency would have
51 14 paid a career teacher if the school district or area education
51 15 agency had participated in the program in the 2001=2002 school
51 16 year, in accordance with section 284.7, subsection 1, Code
51 17 Supplement 2001.

51 18 Sec. 78. SUPPLEMENTAL AID FOR THE IOWA PUBLIC BROADCASTING
51 19 DIVISION. Notwithstanding the provisions of section 8.33, or
51 20 any other provision of law to the contrary, \$158,000 from the
51 21 moneys from the appropriation made in section 284.13,
51 22 subsection 1, paragraph "d", as amended by this division of
51 23 this Act, which remain unexpended or unencumbered on June 30,
51 24 2004, shall not revert but shall remain available for
51 25 expenditure in the succeeding fiscal year by the department of
51 26 education for the public broadcasting division to supplement
51 27 the appropriation made in this division of this Act for the
51 28 public broadcasting division.

51 29 STATE BOARD OF REGENTS

51 30 Sec. 79. There is appropriated from the general fund of
51 31 the state to the state board of regents for the fiscal year
51 32 beginning July 1, 2004, and ending June 30, 2005, the
51 33 following amounts, or so much thereof as may be necessary, to
51 34 be used for the purposes designated:

51 35 1. OFFICE OF STATE BOARD OF REGENTS

52 1 a. For salaries, support, maintenance, miscellaneous
52 2 purposes, and for not more than the following full-time
52 3 equivalent positions:

52 4 \$ 1,160,398
52 5 FTEs 16.00

52 6 The state board of regents, the department of management,
52 7 and the legislative services agency shall cooperate to
52 8 determine and agree upon, by November 15, 2004, the amount
52 9 that needs to be appropriated for tuition replacement for the
52 10 fiscal year beginning July 1, 2005.

52 11 The state board of regents shall submit a monthly financial
52 12 report in a format agreed upon by the state board of regents
52 13 office and the legislative services agency.

52 14 b. For allocation by the state board of regents to the
52 15 state university of Iowa, the Iowa state university of science
52 16 and technology, and the university of northern Iowa to
52 17 reimburse the institutions for deficiencies in their operating
52 18 funds resulting from the pledging of tuitions, student fees
52 19 and charges, and institutional income to finance the cost of
52 20 providing academic and administrative buildings and facilities
52 21 and utility services at the institutions:

52 22 \$ 13,009,474

52 23 Notwithstanding section 8.33, funds appropriated for the
52 24 purposes in this lettered paragraph remaining unencumbered or
52 25 unobligated at the end of the fiscal year shall not revert to
52 26 the general fund of the state but shall be available for
52 27 expenditure for the purposes specified in this lettered
52 28 paragraph during the subsequent fiscal year.

52 29 c. For funds to be allocated to the southwest Iowa
52 30 graduate studies center:

52 31 \$ 105,956

52 32 d. For funds to be allocated to the siouxland interstate
52 33 metropolitan planning council for the tristate graduate center
52 34 under section 262.9, subsection 21:

52 35 \$ 77,941

53 1 e. For funds to be allocated to the quad-cities graduate
53 2 studies center:

53 3 \$ 157,144

53 4 2. STATE UNIVERSITY OF IOWA

53 5 a. General university, including lakeside laboratory
53 6 For salaries, support, maintenance, equipment,
53 7 miscellaneous purposes, and for not more than the following
53 8 full-time equivalent positions:

53 9 \$219,937,344
53 10 FTEs 4,055.62

53 11 It is the intent of the general assembly that the
53 12 university continue progress on the school of public health
53 13 and the public health initiative for the purposes of
53 14 establishing an accredited school of public health and for
53 15 funding an initiative for the health and independence of
53 16 elderly Iowans. From the funds appropriated in this lettered
53 17 paragraph, the university may use up to \$2,100,000 for the
53 18 school of public health and the public health initiative.

53 19 b. University hospitals
53 20 For salaries, support, maintenance, equipment, and
53 21 miscellaneous purposes and for medical and surgical treatment
53 22 of indigent patients as provided in chapter 255, for medical
53 23 education, and for not more than the following full-time
53 24 equivalent positions:
53 25 \$ 27,284,584
53 26 FTEs 5,471.01

53 27 Of the amount appropriated in this lettered paragraph,
53 28 \$25,950,166 shall be considered encumbered and shall not be
53 29 expended for any purpose until January 1, 2005.

53 30 (1) However, if the department of human services adjusts
53 31 hospital payments to provide an increased base rate to offset
53 32 the high cost incurred for providing services to medical
53 33 assistance patients prior to January 1, 2005, a portion of the
53 34 amount specified in this unnumbered paragraph equal to the
53 35 increased Medicaid payment shall revert to the general fund of
54 1 the state. Notwithstanding section 8.54, subsection 7, the
54 2 amount required to revert under this subparagraph shall not be
54 3 considered to be appropriated for purposes of the state
54 4 general fund expenditure limitation for the fiscal year
54 5 beginning July 1, 2004.

54 6 (2) If the adjustment described in subparagraph (1) to
54 7 increase the base rate is not made prior to January 1, 2005,
54 8 the amount specified in this unnumbered paragraph shall no
54 9 longer be considered encumbered, may be expended, and shall be
54 10 available for the purposes originally specified.

54 11 (3) Any incremental increase in the base rate made
54 12 pursuant to subparagraph (1) shall not be used in determining
54 13 the university of Iowa hospital and clinics disproportionate
54 14 share rate or when determining the statewide average base rate
54 15 for purposes of calculating indirect medical education rates.
54 16 The university of Iowa hospitals and clinics shall, within
54 17 the context of chapter 255 and when medically appropriate,
54 18 make reasonable efforts to extend the university of Iowa
54 19 hospitals and clinics' use of home telemedicine and other
54 20 technologies to reduce the frequency of visits to the hospital
54 21 required by the indigent patients.

54 22 The university of Iowa hospitals and clinics shall submit
54 23 quarterly a report regarding the portion of the appropriation
54 24 in this lettered paragraph expended on medical education. The
54 25 report shall be submitted in a format jointly developed by the
54 26 university of Iowa hospitals and clinics, the legislative
54 27 services agency, and the department of management, and shall
54 28 delineate the expenditures and purposes of the funds.

54 29 (4) Funds appropriated in this lettered paragraph shall
54 30 not be used to perform abortions except medically necessary
54 31 abortions, and shall not be used to operate the early
54 32 termination of pregnancy clinic except for the performance of
54 33 medically necessary abortions. For the purpose of this
54 34 lettered paragraph, an abortion is the purposeful interruption
54 35 of pregnancy with the intention other than to produce a live=
55 1 born infant or to remove a dead fetus, and a medically
55 2 necessary abortion is one performed under one of the following
55 3 conditions:

55 4 (a) The attending physician certifies that continuing the
55 5 pregnancy would endanger the life of the pregnant woman.

55 6 (b) The attending physician certifies that the fetus is
55 7 physically deformed, mentally deficient, or afflicted with a
55 8 congenital illness.

55 9 (c) The pregnancy is the result of a rape which is
55 10 reported within 45 days of the incident to a law enforcement
55 11 agency or public or private health agency which may include a
55 12 family physician.

55 13 (d) The pregnancy is the result of incest which is
55 14 reported within 150 days of the incident to a law enforcement
55 15 agency or public or private health agency which may include a
55 16 family physician.

55 17 (e) The abortion is a spontaneous abortion, commonly known
55 18 as a miscarriage, wherein not all of the products of
55 19 conception are expelled.

55 20 The total quota allocated to the counties for indigent
55 21 patients for the fiscal year beginning July 1, 2004, shall not
55 22 be lower than the total quota allocated to the counties for
55 23 the fiscal year commencing July 1, 1998. The total quota
55 24 shall be allocated among the counties on the basis of the 2000
55 25 census pursuant to section 255.16.

55 26 The university of Iowa hospitals and clinics, in
55 27 cooperation with the department of corrections, shall study
55 28 the utilization of the indigent patient care program by
55 29 department of corrections' inmates and shall submit a report

55 30 to the governor and the general assembly on or before January
55 31 1, 2005, regarding recommendations to improve the efficiency
55 32 and cost-effectiveness of the care provided to the inmates.

55 33 c. Psychiatric hospital
55 34 For salaries, support, maintenance, equipment,
55 35 miscellaneous purposes, for the care, treatment, and
56 1 maintenance of committed and voluntary public patients, and
56 2 for not more than the following full-time equivalent
56 3 positions:
56 4 \$ 7,043,056
56 5 FTEs 272.11

56 6 d. Center for disabilities and development
56 7 For salaries, support, maintenance, miscellaneous purposes,
56 8 and for not more than the following full-time equivalent
56 9 positions:
56 10 \$ 6,363,265
56 11 FTEs 143.34

56 12 From the funds appropriated in this lettered paragraph,
56 13 \$200,000 shall be allocated for purposes of the employment
56 14 policy group.

56 15 e. Oakdale campus
56 16 For salaries, support, maintenance, miscellaneous purposes,
56 17 and for not more than the following full-time equivalent
56 18 positions:
56 19 \$ 2,657,335
56 20 FTEs 43.25

56 21 f. State hygienic laboratory
56 22 For salaries, support, maintenance, miscellaneous purposes,
56 23 and for not more than the following full-time equivalent
56 24 positions:
56 25 \$ 3,802,520
56 26 FTEs 102.49

56 27 g. Family practice program
56 28 For allocation by the dean of the college of medicine, with
56 29 approval of the advisory board, to qualified participants, to
56 30 carry out chapter 148D for the family practice program,
56 31 including salaries and support, and for not more than the
56 32 following full-time equivalent positions:
56 33 \$ 2,075,948
56 34 FTEs 192.40

56 35 h. Child health care services
57 1 For specialized child health care services, including
57 2 childhood cancer diagnostic and treatment network programs,
57 3 rural comprehensive care for hemophilia patients, and the Iowa
57 4 high-risk infant follow-up program, including salaries and
57 5 support, and for not more than the following full-time
57 6 equivalent positions:
57 7 \$ 649,066
57 8 FTEs 53.46

57 9 i. Statewide cancer registry
57 10 For the statewide cancer registry, and for not more than
57 11 the following full-time equivalent positions:
57 12 \$ 178,739
57 13 FTEs 2.40

57 14 j. Substance abuse consortium
57 15 For funds to be allocated to the Iowa consortium for
57 16 substance abuse research and evaluation, and for not more than
57 17 the following full-time equivalent positions:
57 18 \$ 64,871
57 19 FTEs 1.50

57 20 k. Center for biocatalysis
57 21 For the center for biocatalysis, and for not more than the
57 22 following full-time equivalent positions:
57 23 \$ 881,384
57 24 FTEs 5.20

57 25 l. Primary health care initiative
57 26 For the primary health care initiative in the college of
57 27 medicine and for not more than the following full-time
57 28 equivalent positions:
57 29 \$ 759,875
57 30 FTEs 7.75

57 31 From the funds appropriated in this lettered paragraph,
57 32 \$330,000 shall be allocated to the department of family
57 33 practice at the state university of Iowa college of medicine
57 34 for family practice faculty and support staff.

57 35 m. Birth defects registry
58 1 For the birth defects registry and for not more than the
58 2 following full-time equivalent positions:
58 3 \$ 44,636
58 4 FTEs 1.30

58 5 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

58 6 a. General university
58 7 For salaries, support, maintenance, equipment,
58 8 miscellaneous purposes, and for not more than the following
58 9 full-time equivalent positions:
58 10 \$173,189,751
58 11 FTEs 3,647.42
58 12 It is the intent of the general assembly that the
58 13 university continue progress on the center for excellence in
58 14 fundamental plant sciences. From the funds appropriated in
58 15 this lettered paragraph, the university may use up to
58 16 \$4,670,000 for the center for excellence in fundamental plant
58 17 sciences.
58 18 b. Agricultural experiment station
58 19 For salaries, support, maintenance, miscellaneous purposes,
58 20 and for not more than the following full-time equivalent
58 21 positions:
58 22 \$ 31,019,520
58 23 FTEs 546.98
58 24 c. Cooperative extension service in agriculture and home
58 25 economics
58 26 For salaries, support, maintenance, miscellaneous purposes,
58 27 and for not more than the following full-time equivalent
58 28 positions:
58 29 \$ 19,738,432
58 30 FTEs 383.34
58 31 d. Leopold center
58 32 For agricultural research grants at Iowa state university
58 33 under section 266.39B, and for not more than the following
58 34 full-time equivalent positions:
58 35 \$ 464,319
59 1 FTEs 11.25
59 2 e. Livestock disease research
59 3 For deposit in and the use of the livestock disease
59 4 research fund under section 267.8:
59 5 \$ 220,708
59 6 4. UNIVERSITY OF NORTHERN IOWA
59 7 a. General university
59 8 For salaries, support, maintenance, equipment,
59 9 miscellaneous purposes, and for not more than the following
59 10 full-time equivalent positions:
59 11 \$ 77,804,507
59 12 FTEs 1,398.01
59 13 It is the intent of the general assembly that the
59 14 university continue progress on the implementation of a
59 15 masters in social work program. From the funds appropriated
59 16 in this lettered paragraph, the university may use up to
59 17 \$450,000 for the implementation of the masters in social work
59 18 program, up to \$100,000 for the roadside vegetation project,
59 19 and up to \$200,000 for the Iowa office for staff development.
59 20 b. Recycling and reuse center
59 21 For purposes of the recycling and reuse center, and for not
59 22 more than the following full-time equivalent positions:
59 23 \$ 211,858
59 24 FTEs 3.00
59 25 5. STATE SCHOOL FOR THE DEAF
59 26 For salaries, support, maintenance, miscellaneous purposes,
59 27 and for not more than the following full-time equivalent
59 28 positions:
59 29 \$ 8,261,706
59 30 FTEs 126.60
59 31 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
59 32 For salaries, support, maintenance, miscellaneous purposes,
59 33 and for not more than the following full-time equivalent
59 34 positions:
59 35 \$ 4,622,122
60 1 FTEs 81.00
60 2 7. TUITION AND TRANSPORTATION COSTS
60 3 For payment to local school boards for the tuition and
60 4 transportation costs of students residing in the Iowa braille
60 5 and sight saving school and the state school for the deaf
60 6 pursuant to section 262.43 and for payment of certain
60 7 clothing, prescription, and transportation costs for students
60 8 at these schools pursuant to section 270.5:
60 9 \$ 15,020
60 10 Sec. 80. MEDICAL ASSISTANCE == SUPPLEMENTAL AMOUNTS. For
60 11 the fiscal year beginning July 1, 2004, and ending June 30,
60 12 2005, the department of human services shall continue the
60 13 supplemental disproportionate share and a supplemental
60 14 indirect medical education adjustment applicable to state=
60 15 owned acute care hospitals with more than 500 beds and shall
60 16 reimburse qualifying hospitals pursuant to that adjustment

60 17 with a supplemental amount for services provided medical
60 18 assistance recipients. The adjustment shall generate
60 19 supplemental payments intended to equal the state
60 20 appropriation made to a qualifying hospital for treatment of
60 21 indigent patients as provided in chapter 255. To the extent
60 22 of the supplemental payments, a qualifying hospital shall,
60 23 after receipt of the funds, transfer to the department of
60 24 human services an amount equal to the actual supplemental
60 25 payments that were made in that month. The aggregate amounts
60 26 for the fiscal year shall not exceed the state appropriation
60 27 made to the qualifying hospital for treatment of indigent
60 28 patients as provided in chapter 255. The department of human
60 29 services shall deposit these funds in the department's medical
60 30 assistance account. To the extent that state funds
60 31 appropriated to a qualifying hospital for the treatment of
60 32 indigent patients as provided in chapter 255 have been
60 33 transferred to the department of human services as a result of
60 34 these supplemental payments made to the qualifying hospital,
60 35 the department shall not, directly or indirectly, recoup the
61 1 supplemental payments made to a qualifying hospital for any
61 2 reason, unless an equivalent amount of the funds transferred
61 3 to the department of human services by a qualifying hospital
61 4 pursuant to this provision is transferred to the qualifying
61 5 hospital by the department.

61 6 If the state supplemental amount allotted to the state of
61 7 Iowa for the federal fiscal year beginning October 1, 2004,
61 8 and ending September 30, 2005, pursuant to section 1923(f)(3)
61 9 of the federal Social Security Act, as amended, or pursuant to
61 10 federal payments for indirect medical education is greater
61 11 than the amount necessary to fund the federal share of the
61 12 supplemental payments specified in the preceding paragraph,
61 13 the department of human services shall increase the
61 14 supplemental disproportionate share or supplemental indirect
61 15 medical education adjustment by the lesser of the amount
61 16 necessary to utilize fully the state supplemental amount or
61 17 the amount of state funds appropriated to the state university
61 18 of Iowa general education fund and allocated to the university
61 19 for the college of medicine. The state university of Iowa
61 20 shall transfer from the allocation for the college of medicine
61 21 to the department of human services, on a monthly basis, an
61 22 amount equal to the additional supplemental payments made
61 23 during the previous month pursuant to this paragraph. A
61 24 qualifying hospital receiving supplemental payments pursuant
61 25 to this paragraph that are greater than the state
61 26 appropriation made to the qualifying hospital for treatment of
61 27 indigent patients as provided in chapter 255 shall be
61 28 obligated as a condition of its participation in the medical
61 29 assistance program to transfer to the state university of Iowa
61 30 general education fund on a monthly basis an amount equal to
61 31 the funds transferred by the state university of Iowa to the
61 32 department of human services. To the extent that state funds
61 33 appropriated to the state university of Iowa and allocated to
61 34 the college of medicine have been transferred to the
61 35 department of human services as a result of these supplemental
62 1 payments made to the qualifying hospital, the department shall
62 2 not, directly or indirectly, recoup these supplemental
62 3 payments made to a qualifying hospital for any reason, unless
62 4 an equivalent amount of the funds transferred to the
62 5 department of human services by the state university of Iowa
62 6 pursuant to this paragraph is transferred to the qualifying
62 7 hospital by the department.

62 8 Continuation of the supplemental disproportionate share and
62 9 supplemental indirect medical education adjustment shall
62 10 preserve the funds available to the university hospital for
62 11 medical and surgical treatment of indigent patients as
62 12 provided in chapter 255 and to the state university of Iowa
62 13 for educational purposes at the same level as provided by the
62 14 state funds initially appropriated for that purpose.

62 15 The department of human services shall, in any compilation
62 16 of data or other report distributed to the public concerning
62 17 payments to providers under the medical assistance program,
62 18 set forth reimbursements to a qualifying hospital through the
62 19 supplemental disproportionate share and supplemental indirect
62 20 medical education adjustment as a separate item and shall not
62 21 include such payments in the amounts otherwise reported as the
62 22 reimbursement to a qualifying hospital for services to medical
62 23 assistance recipients.

62 24 For purposes of this section, "supplemental payment" means
62 25 a supplemental payment amount paid for medical assistance to a
62 26 hospital qualifying for that payment under this section.

62 27 Sec. 81. For the fiscal year beginning July 1, 2004, and

62 28 ending June 30, 2005, the state board of regents may use
62 29 notes, bonds, or other evidences of indebtedness issued under
62 30 section 262.48 to finance projects that will result in energy
62 31 cost savings in an amount that will cause the state board to
62 32 recover the cost of the projects within an average of six
62 33 years.

62 34 Sec. 82. Notwithstanding section 270.7, the department of
62 35 administrative services shall pay the state school for the
63 1 deaf and the Iowa braille and sight saving school the moneys
63 2 collected from the counties during the fiscal year beginning
63 3 July 1, 2004, for expenses relating to prescription drug costs
63 4 for students attending the state school for the deaf and the
63 5 Iowa braille and sight saving school.

63 6 Sec. 83. Section 256.44, subsection 7, Code 2003, is
63 7 amended to read as follows:

63 8 7. The department shall prorate the amount of the annual
63 9 awards paid in accordance with this section when the number of
63 10 award recipients exceeds one thousand one hundred individuals.
63 11 The department may prorate the amount of an annual award when
63 12 a teacher who meets the qualifications of subsection 1 is
63 13 employed on a less than full-time basis by a school district.
63 14 The state board shall adopt rules under chapter 17A
63 15 establishing criteria for the proration of annual awards.

63 16 Sec. 84. Section 261.19, subsection 2, Code 2003, is
63 17 amended to read as follows:

63 18 2. a. Notwithstanding the administration provisions of
63 19 subsection 1, the forgivable loan program established pursuant
63 20 to subsection 1 shall be administered by the commission in
63 21 conjunction with Des Moines university. Des Moines university
63 22 shall match on an equal basis state aid appropriated for
63 23 purposes of the forgivable loan program.

63 24 b. Des Moines university shall provide recommendations to
63 25 the commission for students who meet the eligibility
63 26 requirements of the forgivable loan program. A forgivable
63 27 loan may be awarded to a resident of Iowa who is enrolled at
63 28 Des Moines university == osteopathic medical center if the
63 29 student agrees to practice in this state for a period of time
63 30 to be determined by the commission at the time the loan is
63 31 awarded. Forgivable loans to eligible students shall not
63 32 become due until after the student completes a residency
63 33 program. Interest on the loans shall begin to accrue the day
63 34 following the student's graduation date. If the student
63 35 completes the period of practice established by the commission
64 1 and agreed to by the student, the loan amount shall be
64 2 forgiven. The loan amount shall not be forgiven if the
64 3 osteopathic physician fails to complete the required time
64 4 period of practice in this state or fails to satisfactorily
64 5 continue in the university's program of medical education.

64 6 Sec. 85. Section 257B.1B, subsection 1, Code 2003, is
64 7 amended to read as follows:

64 8 1. Fifty-five percent of the moneys deposited in the fund
64 9 to the department of education for allocation to the reading
64 10 recovery center to assist school districts in developing
64 11 reading recovery programs. ~~From the moneys allocated in this~~
64 12 ~~subsection, one hundred thousand dollars shall be distributed~~
64 13 ~~to the reading recovery center, and the remaining balance~~
64 14 ~~shall be distributed to the area education agencies in the~~
64 15 ~~proportion that the number of children who are eligible for~~
64 16 ~~free or reduced price meals under the federal National School~~
64 17 ~~Lunch Act and the federal Child Nutrition Act of 1966, 42~~
64 18 ~~U.S.C. } 1751--1785, in the basic enrollment of grades one~~
64 19 ~~through six in the area served by an agency, bears to the sum~~
64 20 ~~of the number of children who are eligible for free or reduced~~
64 21 ~~price meals under the federal National School Lunch Act and~~
64 22 ~~the federal Child Nutrition Act of 1966, 42 U.S.C. }~~
64 23 ~~1751--1785, in the basic enrollments of grades one through six~~
64 24 ~~in all of the areas served by area education agencies in the~~
64 25 ~~state for the budget year.~~

64 26 Sec. 86. Section 261.25, subsections 1, 2, and 3, Code
64 27 Supplement 2003, are amended to read as follows:

64 28 1. There is appropriated from the general fund of the
64 29 state to the commission for each fiscal year the sum of ~~forty-~~
64 30 ~~six forty-seven million four one hundred seventeen fifty-seven~~
64 31 ~~thousand nine five hundred sixty-four fifteen~~ dollars for
64 32 tuition grants.

64 33 2. There is appropriated from the general fund of the
64 34 state to the commission for each fiscal year the sum of four
64 35 hundred ~~seventy-seven sixty-five~~ thousand one hundred ~~three~~
65 1 ~~seventy-five~~ dollars for scholarships.

65 2 3. There is appropriated from the general fund of the
65 3 state to the commission for each fiscal year the sum of two

65 4 million ~~three five~~ hundred ~~seventy-five~~ ~~thirty-three~~ thousand
65 5 ~~six one~~ hundred ~~fifty-seven~~ ~~fifteen~~ dollars for vocational=
65 6 technical tuition grants.

65 7 Sec. 87. Section 279.20, Code 2003, is amended to read as
65 8 follows:

65 9 279.20 SUPERINTENDENT == TERM.

65 10 1. The board of directors of a school district may employ
65 11 a superintendent of schools for a term of not to exceed three
65 12 years. However, the board's initial contract with a
65 13 superintendent shall not exceed one year if the board is
65 14 obligated to pay a former superintendent under an unexpired
65 15 contract. The superintendent shall be the executive officer
65 16 of the board and have such powers and duties as may be
65 17 prescribed by rules adopted by the board or by law. Boards of
65 18 directors may jointly exercise the powers conferred by this
65 19 section.

65 20 2. The board of directors of a school district may
65 21 delegate the authority to hire support personnel and sign the
65 22 support personnel employment contracts if the board adopts a
65 23 policy authorizing the superintendent to perform such duties
65 24 and specifying the positions the superintendent is authorized
65 25 to fill. For purposes of this subsection, the term "support
65 26 personnel" includes, but is not limited to, bus drivers,
65 27 custodians, educational associates, and clerical and food
65 28 service employees.

65 29 Sec. 88. Section 284.10, subsection 3, Code Supplement
65 30 2003, is amended by striking the subsection.

65 31 Sec. 89. Section 284.13, subsection 1, paragraphs b, d,
65 32 and e, Code Supplement 2003, are amended to read as follows:

65 33 b. For the fiscal year beginning July 1, ~~2003~~ 2004, and
65 34 ending June 30, ~~2004~~ 2005, to the department of education, the
65 35 amount of one million seven hundred thousand dollars for the
66 1 issuance of national board certification awards in accordance
66 2 with section 256.44.

66 3 d. For the fiscal year beginning July 1, 2003, and ending
66 4 June 30, 2004, up to one million dollars to the department of
66 5 education for purposes of ~~establishing~~ maintaining the
66 6 evaluator training program, ~~including but not limited to an~~
66 7 ~~evaluation process; the training of providers; development of~~
66 8 ~~a provider approval process; training materials and costs; for~~
66 9 ~~payment to practitioners under section 284.10, subsection 3,~~
66 10 ~~and to pay any applicable costs of the employer's share of~~
66 11 ~~contributions to federal social security and the Iowa public~~
66 12 ~~employees' retirement system or a pension and annuity~~
66 13 ~~retirement system established under chapter 294, for such~~
66 14 ~~amounts paid by the district; and for subsidies to school~~
66 15 ~~districts for training costs. A portion of the funds~~
66 16 ~~allocated to the department for purposes of this paragraph may~~
66 17 ~~be used by the department for administrative purposes.~~

66 18 Notwithstanding section 8.33, from the moneys allocated under
66 19 this paragraph for the fiscal year beginning July 1, 2003,
66 20 that remain unobligated or unexpended at the end of the fiscal
66 21 year, one hundred fifty thousand dollars shall not revert but
66 22 shall remain available for expenditure to maintain the
66 23 evaluator training program, and up to five hundred thousand
66 24 dollars shall remain available to supplement moneys allocated
66 25 pursuant to paragraph "f" of this subsection.

66 26 e. For the fiscal year beginning July 1, ~~2003~~ 2004, and
66 27 ending June 30, ~~2004~~ 2005, up to ~~three four~~ hundred ~~seventy-~~
66 28 ~~five~~ thousand dollars to the department of education for
66 29 purposes of implementing the career development program
66 30 requirements of section 284.6, and the review panel
66 31 requirements of section 284.9. From the moneys allocated to
66 32 the department pursuant to this paragraph, not less than
66 33 seventy-five thousand dollars shall be used to administer the
66 34 ambassador to education position in accordance with section
66 35 256.45. A portion of the funds allocated to the department
67 1 for purposes of this paragraph may be used by the department
67 2 for administrative purposes. Notwithstanding section 8.33,
67 3 moneys allocated for purposes of this paragraph prior to July
67 4 1, 2004, which remain unobligated or unexpended at the end of
67 5 the fiscal year for which the moneys were appropriated, shall
67 6 remain available for expenditure for the purposes for which
67 7 they were allocated, for the fiscal year beginning July 1,
67 8 2004, and ending June 30, 2005.

67 9 Sec. 90. EFFECTIVE DATE. The provisions of this division
67 10 of this Act providing for supplemental aid for the Iowa public
67 11 broadcasting division and amending section 284.13, subsection
67 12 1, paragraphs "d" and "e", relating to moneys carried over to
67 13 the 2004=2005 fiscal year, being deemed of immediate
67 14 importance, takes effect upon enactment.

67 15 DIVISION V
67 16 HEALTH AND HUMAN SERVICES
67 17 ELDER AFFAIRS

67 18 Sec. 91. DEPARTMENT OF ELDER AFFAIRS. There is
67 19 appropriated from the general fund of the state to the
67 20 department of elder affairs for the fiscal year beginning July
67 21 1, 2004, and ending June 30, 2005, the following amount, or so
67 22 much thereof as is necessary, to be used for the purposes
67 23 designated:

67 24 For aging programs for the department of elder affairs and
67 25 area agencies on aging to provide citizens of Iowa who are 60
67 26 years of age and older with case management for the frail
67 27 elderly, the retired and senior volunteer program, resident
67 28 advocate committee coordination, employment, and other
67 29 services which may include, but are not limited to, adult day
67 30 services, respite care, chore services, telephone reassurance,
67 31 information and assistance, and home repair services,
67 32 including the winterizing of homes, and for the construction
67 33 of entrance ramps which make residences accessible to the
67 34 physically handicapped, and for salaries, support,
67 35 administration, maintenance, miscellaneous purposes, and for
68 1 not more than the following full-time equivalent positions
68 2 with the department of elder affairs:

68 3 \$ 2,625,146
68 4 FTEs 26.75

68 5 1. Funds appropriated in this section may be used to
68 6 supplement federal funds under federal regulations. To
68 7 receive funds appropriated in this section, a local area
68 8 agency on aging shall match the funds with moneys from other
68 9 sources according to rules adopted by the department. Funds
68 10 appropriated in this section may be used for elderly services
68 11 not specifically enumerated in this section only if approved
68 12 by an area agency on aging for provision of the service within
68 13 the area.

68 14 2. Of the funds allocated in this section and any other
68 15 state funds allocated for aging programs of the area agencies
68 16 on aging not more than 7.5 percent of the total amount
68 17 allocated shall be used for area agencies on aging
68 18 administrative purposes.

68 19 3. Of the funds appropriated in this section, \$49,000
68 20 shall be used, in addition to any other funds appropriated in
68 21 this Act, for provision of training to resident advocate
68 22 committees for elder group homes, as defined in section
68 23 231B.1, and licensed health care facilities as defined in
68 24 section 135C.1.

68 25 4. It is the intent of the general assembly that the Iowa
68 26 chapters of the Alzheimer's association and the case
68 27 management program for the frail elderly shall collaborate and
68 28 cooperate fully to assist families in maintaining family
68 29 members with Alzheimer's disease in the community for the
68 30 longest period of time possible.

68 31 5. The department shall maintain policies and procedures
68 32 regarding Alzheimer's support and the retired and senior
68 33 volunteer program.

68 34 HEALTH

68 35 Sec. 92. DEPARTMENT OF PUBLIC HEALTH. There is
69 1 appropriated from the general fund of the state to the Iowa
69 2 department of public health for the fiscal year beginning July
69 3 1, 2004, and ending June 30, 2005, the following amounts, or
69 4 so much thereof as is necessary, to be used for the purposes
69 5 designated:

69 6 1. ADDICTIVE DISORDERS

69 7 For reducing the prevalence of use of tobacco, alcohol, and
69 8 other drugs, and treating individuals affected by addictive
69 9 behaviors, including gambling, and for not more than the
69 10 following full-time equivalent positions:

69 11 \$ 1,267,111
69 12 FTEs 15.75

69 13 a. The department shall continue to coordinate with
69 14 substance abuse treatment and prevention providers regardless
69 15 of funding source to assure the delivery of substance abuse
69 16 treatment and prevention programs.

69 17 b. The commission on substance abuse, in conjunction with
69 18 the department, shall continue to coordinate the delivery of
69 19 substance abuse services involving prevention, social and
69 20 medical detoxification, and other treatment by medical and
69 21 nonmedical providers to uninsured and court-ordered substance
69 22 abuse patients in all counties of the state.

69 23 c. The department and any grantee or subgrantee of the
69 24 department shall not discriminate against a nongovernmental
69 25 organization that provides substance abuse treatment and

69 26 prevention services or applies for funding to provide those
69 27 services on the basis that the organization has a religious
69 28 character. The department shall report to the governor and
69 29 the general assembly on or before February 1, 2005, regarding
69 30 the number of religious or other nongovernmental organizations
69 31 that applied for funds in the preceding fiscal year, the
69 32 amounts awarded to those organizations, and the basis for any
69 33 refusal by the department or grantee or subgrantee of the
69 34 department to award funds to any of those organizations that
69 35 applied.

70 1 2. ADULT WELLNESS

70 2 For maintaining or improving the health status of adults,
70 3 with target populations between the ages of 18 through 60, and
70 4 for not more than the following full-time equivalent
70 5 positions:

70 6 \$ 304,067
70 7 FTEs 20.85

70 8 3. CHILD AND ADOLESCENT WELLNESS

70 9 For promoting the optimum health status for children and
70 10 adolescents from birth through 21 years of age, and for not
70 11 more than the following full-time equivalent positions:

70 12 \$ 915,803
70 13 FTEs 44.10

70 14 4. CHRONIC CONDITIONS

70 15 For serving individuals identified as having chronic
70 16 conditions or special health care needs, and for not more than
70 17 the following full-time equivalent positions:

70 18 \$ 845,863
70 19 FTEs 10.00

70 20 5. COMMUNITY CAPACITY

70 21 For strengthening the health care delivery system at the
70 22 local level, and for not more than the following full-time
70 23 equivalent positions:

70 24 \$ 1,267,359
70 25 FTEs 21.60

70 26 Of the funds appropriated in this subsection, \$100,000 is
70 27 allocated for a child vision screening program implemented
70 28 through the university of Iowa hospitals and clinics in
70 29 collaboration with community empowerment areas.

70 30 6. ELDERLY WELLNESS

70 31 For optimizing the health of persons 60 years of age and
70 32 older, and for not more than the following full-time
70 33 equivalent positions:

70 34 \$ 9,233,985
70 35 FTEs 4.95

71 1 The department shall implement elderly wellness services in
71 2 a manner that ensures that the services provided are not
71 3 payable by a third-party source. The department shall submit
71 4 a report by December 1, 2004, to the persons in this division
71 5 of this Act designated to receive reports regarding the
71 6 provision of services and expenditures for the services.

71 7 7. ENVIRONMENTAL HAZARDS

71 8 For reducing the public's exposure to hazards in the
71 9 environment, primarily chemical hazards, and for not more than
71 10 the following full-time equivalent positions:

71 11 \$ 251,808
71 12 FTEs 8.30

71 13 8. INFECTIOUS DISEASES

71 14 For reducing the incidence and prevalence of communicable
71 15 diseases, and for not more than the following full-time
71 16 equivalent positions:

71 17 \$ 1,079,703
71 18 FTEs 38.25

71 19 9. INJURIES

71 20 For providing support and protection to victims of abuse or
71 21 injury, or programs that are designed to prevent abuse or
71 22 injury, and for not more than the following full-time
71 23 equivalent positions:

71 24 \$ 1,379,358
71 25 FTEs 9.10

71 26 Of the funds appropriated in this subsection, \$660,000
71 27 shall be credited to the emergency medical services fund
71 28 created in section 135.25.

71 29 10. PUBLIC PROTECTION

71 30 For protecting the health and safety of the public through
71 31 establishing standards and enforcing regulations, and for not
71 32 more than the following full-time equivalent positions:

71 33 \$ 6,598,873
71 34 FTEs 152.05

71 35 a. The department may expend funds received from licensing
72 1 fees in addition to amounts appropriated in this subsection,

72 2 if those additional expenditures are directly the result of
72 3 any unanticipated litigation or scope of practice review
72 4 committee expense arising from the discharge of an examining
72 5 board's regulatory duties. Before the department expends or
72 6 encumbers funds for a scope of practice review committee or
72 7 for an amount in excess of the funds budgeted for an examining
72 8 board, the director of the department of management shall
72 9 approve the expenditure or encumbrance. The amounts necessary
72 10 to fund any unanticipated litigation or scope of practice
72 11 review committee expense in the fiscal year beginning July 1,
72 12 2004, shall not exceed 5 percent of the average annual fees
72 13 generated by the boards for the previous two fiscal years.
72 14 The funds authorized for expenditure pursuant to this lettered
72 15 paragraph are appropriated to the department for the purposes
72 16 described in this paragraph.

72 17 b. For the fiscal year beginning July 1, 2004, the
72 18 department shall retain fees collected from the certification
72 19 of lead inspectors and lead abaters pursuant to section
72 20 135.105A to support the certification program; and shall
72 21 retain fees collected from the licensing, registration,
72 22 authorization, accreditation, and inspection of x-ray machines
72 23 used for mammographically guided breast biopsy, screening, and
72 24 diagnostic mammography, pursuant to section 136C.10 to support
72 25 the administration of the chapter. The department may also
72 26 retain fees collected pursuant to section 136C.10 on all
72 27 shippers of radioactive material waste containers transported
72 28 across Iowa if the department does not obtain funding to
72 29 support the oversight and regulation of this activity, and for
72 30 x-ray radiology examination fees collected by the department
72 31 and reimbursed to a private organization conducting the
72 32 examination. Fees retained by the department pursuant to this
72 33 lettered paragraph are appropriated to the department for the
72 34 purposes described in this lettered paragraph.

72 35 c. The department may retain and expend not more than
73 1 \$297,961 for lease and maintenance expenses from fees
73 2 collected pursuant to section 147.80 by the board of dental
73 3 examiners, the board of pharmacy examiners, the board of
73 4 medical examiners, and the board of nursing in the fiscal year
73 5 beginning July 1, 2004, and ending June 30, 2005. Fees
73 6 retained by the department pursuant to this lettered paragraph
73 7 are appropriated to the department for the purposes described
73 8 in this lettered paragraph.

73 9 d. The department may retain and expend not more than
73 10 \$100,000 for reduction of the number of days necessary to
73 11 process medical license requests and for reduction of the
73 12 number of days needed for consideration of malpractice cases
73 13 from fees collected pursuant to section 147.80 by the board of
73 14 medical examiners in the fiscal year beginning July 1, 2004,
73 15 and ending June 30, 2005. Fees retained by the department
73 16 pursuant to this lettered paragraph are appropriated to the
73 17 department for the purposes described in this lettered
73 18 paragraph.

73 19 e. The board of dental examiners may retain and expend not
73 20 more than \$148,060 from revenues generated pursuant to section
73 21 147.80. Fees retained by the board pursuant to this lettered
73 22 paragraph are appropriated to the department to be used for
73 23 the purposes of regulating dental assistants.

73 24 f. The board of medical examiners, the board of pharmacy
73 25 examiners, the board of dental examiners, and the board of
73 26 nursing shall prepare estimates of projected receipts to be
73 27 generated by the licensing, certification, and examination
73 28 fees of each board as well as a projection of the fairly
73 29 apportioned administrative costs and rental expenses
73 30 attributable to each board. Each board shall annually review
73 31 and adjust its schedule of fees so that, as nearly as
73 32 possible, projected receipts equal projected costs.

73 33 g. The board of medical examiners, the board of pharmacy
73 34 examiners, the board of dental examiners, and the board of
73 35 nursing shall retain their individual executive officers, but
74 1 are strongly encouraged to share administrative, clerical, and
74 2 investigative staffs to the greatest extent possible. The
74 3 department shall submit a status report regarding the sharing
74 4 of staff under this paragraph to the persons designated in
74 5 this division of this Act to receive reports by December 1,
74 6 2004.

74 7 h. For the fiscal year beginning July 1, 2004, the board
74 8 of nursing may retain and expend 90 percent of the revenues
74 9 generated from any increase in licensing fees pursuant to
74 10 section 147.80 for purposes related to the state board's
74 11 duties, including but not limited to the addition of full-time
74 12 equivalent positions for program services and investigations.

74 13 Fees retained by the board pursuant to this lettered paragraph
74 14 are appropriated to the board of nursing for the purposes
74 15 described in this paragraph.

74 16 11. RESOURCE MANAGEMENT

74 17 For establishing and sustaining the overall ability of the
74 18 department to deliver services to the public, and for not more
74 19 than the following full-time equivalent positions:

74 20 \$ 680,707
74 21 FTEs 47.30

74 22 12. The university of Iowa hospitals and clinics under the
74 23 control of the state board of regents shall not receive
74 24 indirect costs from the funds appropriated in this section.

74 25 13. A local health care provider or nonprofit health care
74 26 organization seeking grant moneys administered by the Iowa
74 27 department of public health shall provide documentation that
74 28 the provider or organization has coordinated its services with
74 29 other local entities providing similar services.

74 30 14. a. The department shall apply for available federal
74 31 funds for sexual abstinence education programs.

74 32 b. It is the intent of the general assembly to comply with
74 33 the United States Congress' intent to provide education that
74 34 promotes abstinence from sexual activity outside of marriage
74 35 and reduces pregnancies, by focusing efforts on those persons
75 1 most likely to father and bear children out of wedlock.

75 2 c. Any sexual abstinence education program awarded moneys
75 3 under the grant program shall meet the definition of
75 4 abstinence education in the federal law. Grantees shall be
75 5 evaluated based upon the extent to which the abstinence
75 6 program successfully communicates the goals set forth in the
75 7 federal law.

75 8 d. It is the intent of the general assembly that the Iowa
75 9 department of public health and the department of human
75 10 services shall coordinate programs regarding pregnancy
75 11 prevention to the greatest extent possible.

75 12 Sec. 93. GAMBLING TREATMENT FUND == APPROPRIATION.

75 13 1. There is appropriated from funds available in the
75 14 gambling treatment fund established in the office of the
75 15 treasurer of state pursuant to section 99G.39 to the Iowa
75 16 department of public health for the fiscal year beginning July
75 17 1, 2004, and ending June 30, 2005, the following amount, or so
75 18 much thereof as is necessary, to be used for the purpose
75 19 designated:

75 20 a. Addictive disorders

75 21 To be utilized for the benefit of persons with addictions:

75 22 \$ 1,690,000

75 23 The appropriation made in this paragraph shall be made from
75 24 proceeds credited to the gambling treatment fund due to an
75 25 increase in the percentage of gambling proceeds credited to
75 26 the gambling treatment fund if any enactment of legislation by
75 27 the 2004 Eightieth General Assembly in the Regular or
75 28 Extraordinary Legislative Session increases the percentage of
75 29 gambling proceeds credited to the gambling treatment fund.

75 30 It is the intent of the general assembly that from the
75 31 moneys appropriated in this section, persons with a dual
75 32 diagnosis of substance abuse and gambling addictions shall be
75 33 given priority in treatment services.

75 34 b. Gambling treatment program

75 35 The funds in the gambling treatment fund after the
76 1 appropriation in paragraph "a" is made are appropriated and
76 2 shall be used for funding of administrative costs and to
76 3 provide programs which may include, but are not limited to,
76 4 outpatient and follow-up treatment for persons affected by
76 5 problem gambling, rehabilitation and residential treatment
76 6 programs, information and referral services, education and
76 7 preventive services, and financial management services.

76 8 2. Unless provided otherwise in legislation enacted by the
76 9 Eightieth General Assembly in 2004, for the fiscal year
76 10 beginning July 1, 2004, and ending June 30, 2005, from the tax
76 11 revenue received by the state racing and gaming commission
76 12 pursuant to section 99D.15, subsections 1, 3, and 4, an amount
76 13 equal to three-tenths of one percent of the gross sum wagered
76 14 by the pari-mutuel method is to be deposited into the gambling
76 15 treatment fund.

76 16 Sec. 94. VITAL RECORDS. The vital records modernization
76 17 project as enacted in 1993 Iowa Acts, chapter 55, section 1,
76 18 as amended by 1994 Iowa Acts, chapter 1068, section 8, as
76 19 amended by 1997 Iowa Acts, chapter 203, section 9, 1998 Iowa
76 20 Acts, chapter 1221, section 9, and 1999 Iowa Acts, chapter
76 21 201, section 17, and as continued by 2000 Iowa Acts, chapter
76 22 1222, section 10, 2001 Iowa Acts, chapter 182, section 13,
76 23 2002 Iowa Acts, Second Extraordinary Session, chapter 1003,

76 24 section 104, and 2003 Iowa Acts, chapter 175, section 4, shall
76 25 be extended until June 30, 2005, and the increased fees to be
76 26 collected pursuant to that project shall continue to be
76 27 collected and are appropriated to the Iowa department of
76 28 public health until June 30, 2005. The department shall
76 29 submit a report to the persons designated by this Act to
76 30 receive reports no later than September 1, 2004, concerning
76 31 the status of the modernization project, the fees collected,
76 32 and a target date for the project's completion.

76 33 Sec. 95. SCOPE OF PRACTICE REVIEW PROJECT. The scope of
76 34 practice review committee pilot project as enacted in 1997
76 35 Iowa Acts, chapter 203, section 6, as continued by 2002 Iowa
77 1 Acts, Second Extraordinary Session, chapter 1003, section 107,
77 2 and 2003 Iowa Acts, chapter 175, section 5, shall be extended
77 3 until June 30, 2005. The Iowa department of public health
77 4 shall submit an annual progress report to the governor and the
77 5 general assembly by January 15 and shall include any
77 6 recommendations for legislative action as a result of review
77 7 committee activities. The department may contract with a
77 8 school or college of public health in Iowa to assist in
77 9 implementing the project.

77 10 Sec. 96. AIDS DRUG ASSISTANCE PROGRAM. The Iowa
77 11 department of public health and the department of human
77 12 services shall collaborate to identify funding within the
77 13 funds available for the fiscal year beginning July 1, 2004, to
77 14 use in leveraging the maximum amount of federal funding
77 15 through the federal Ryan White Care Act, Title II, AIDS drug
77 16 assistance program for AIDS drug assistance program
77 17 supplemental drug treatment grants. The Iowa department of
77 18 public health shall submit a report regarding the results of
77 19 this directive to the persons specified in this Act to receive
77 20 reports.

77 21 COMMISSION OF VETERANS AFFAIRS

77 22 Sec. 97. COMMISSION OF VETERANS AFFAIRS. There is
77 23 appropriated from the general fund of the state to the
77 24 commission of veterans affairs for the fiscal year beginning
77 25 July 1, 2004, and ending June 30, 2005, the following amounts,
77 26 or so much thereof as is necessary, to be used for the
77 27 purposes designated:

77 28 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

77 29 For salaries, support, maintenance, miscellaneous purposes,
77 30 including the war orphans educational aid fund established
77 31 pursuant to chapter 35, and for not more than the following
77 32 full-time equivalent positions:

77 33	\$	293,971
77 34	FTEs	4.00

77 35 Of the funds appropriated in this subsection, \$100,000
78 1 shall be used by the commission to contract with the
78 2 department of elder affairs to utilize local veterans affairs
78 3 commissions and the retired senior volunteers program to
78 4 increase the utilization by eligible individuals of benefits
78 5 available through the federal department of veterans affairs.

78 6 The commission of veterans affairs may use the gifts
78 7 accepted by the chairperson of the commission of veterans
78 8 affairs, or designee, and other resources available to the
78 9 commission for use at its Camp Dodge office. The commission
78 10 shall report annually to the governor and the general assembly
78 11 on monetary gifts received by the commission for the Camp
78 12 Dodge office.

78 13 2. IOWA VETERANS HOME

78 14 For salaries, support, maintenance, miscellaneous purposes,
78 15 and for not more than the following full-time equivalent
78 16 positions:

78 17	\$	16,189,139
78 18	FTEs	843.50

78 19 a. The Iowa veterans home may use the gifts accepted by
78 20 the chairperson of the commission of veterans affairs and
78 21 other resources available to the commission for use at the
78 22 Iowa veterans home.

78 23 b. Any Iowa veterans home successor contractor shall not
78 24 consider employees of a state institution or facility to be
78 25 new employees for purposes of employee wages, health
78 26 insurance, or retirement benefits.

78 27 c. The chairpersons and ranking members of the joint
78 28 appropriations subcommittee on health and human services shall
78 29 be notified by January 15 of any calendar year during which a
78 30 request for proposals is anticipated to be issued regarding
78 31 any Iowa veterans home contract involving employment, for
78 32 purposes of providing legislative review and oversight.

78 33 d. The Iowa veterans home shall operate with a net state
78 34 general fund appropriation. The amount appropriated in this

78 35 subsection is the net amount of state moneys projected to be
79 1 needed for the Iowa veterans home. The purposes of operating
79 2 with a net state general fund appropriation are to encourage
79 3 the Iowa veterans home to operate with increased self=
79 4 sufficiency, to improve quality and efficiency, and to support
79 5 collaborative efforts among all funders of services available
79 6 from the Iowa veterans home. Moneys appropriated in this
79 7 subsection may be used throughout the fiscal year in the
79 8 manner necessary for purposes of cash flow management, and for
79 9 purposes of cash flow management the Iowa veterans home may
79 10 temporarily draw more than the amount appropriated, provided
79 11 the amount appropriated is not exceeded at the close of the
79 12 fiscal year.

79 13 e. Revenues attributable to the Iowa veterans home for the
79 14 fiscal year beginning July 1, 2004, shall be deposited into
79 15 the Iowa veterans home account and shall be treated as
79 16 repayment receipts, including but not limited to all of the
79 17 following:

- 79 18 (1) Federal veterans administration payments.
- 79 19 (2) Medical assistance revenue received under chapter
79 20 249A.
- 79 21 (3) Federal Medicare program payments.
- 79 22 (4) Moneys received from client financial participation.
- 79 23 (5) Other revenues generated from current, new, or
79 24 expanded services which the Iowa veterans home is authorized
79 25 to provide.

79 26 f. For the purposes of allocating the salary adjustment
79 27 fund moneys appropriated in another Act, the Iowa veterans
79 28 home shall be considered to be funded entirely with state
79 29 moneys.

79 30 g. Notwithstanding section 8.33, up to \$500,000 of the
79 31 Iowa veterans home revenues that remain unencumbered or
79 32 unobligated at the close of the fiscal year shall not revert
79 33 but shall remain available to be used in the succeeding fiscal
79 34 year.

79 35 HUMAN SERVICES

80 1 Sec. 98. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
80 2 GRANT. There is appropriated from the fund created in section
80 3 8.41 to the department of human services for the fiscal year
80 4 beginning July 1, 2004, and ending June 30, 2005, from moneys
80 5 received under the federal temporary assistance for needy
80 6 families (TANF) block grant pursuant to the federal Personal
80 7 Responsibility and Work Opportunity Reconciliation Act of
80 8 1996, Pub. L. No. 104=193, and successor legislation, which
80 9 are federally appropriated for the federal fiscal years
80 10 beginning October 1, 2003, and ending September 30, 2004, and
80 11 beginning October 1, 2004, and ending September 30, 2005, the
80 12 following amounts, or so much thereof as is necessary, to be
80 13 used for the purposes designated:

80 14 If the total amount of federal government appropriations
80 15 received for Iowa's portion of the TANF block grant amounts
80 16 for the federal fiscal years beginning October 1, 2003, and
80 17 ending September 30, 2004, and beginning October 1, 2004, and
80 18 ending September 30, 2005, is less than \$131,524,959, it is
80 19 the intent of the general assembly to act expeditiously during
80 20 the 2005 legislative session to adjust appropriations or take
80 21 other actions to address the reduced amount. Moneys
80 22 appropriated in this section shall be used in accordance with
80 23 the federal law making the funds available, applicable Iowa
80 24 law, appropriations made from the general fund of the state in
80 25 this Act for the purpose designated, and administrative rules
80 26 adopted to implement the federal and Iowa law:

80 27 1. To be credited to the family investment program account
80 28 and used for assistance under the family investment program
80 29 under chapter 239B:

80 30 \$ 45,277,569

80 31 2. To be credited to the family investment program account
80 32 and used for the job opportunities and basic skills (JOBS)
80 33 program, and implementing family investment agreements, in
80 34 accordance with chapter 239B:

80 35 \$ 13,412,794

81 1 3. For field operations:

81 2 \$ 16,280,254

81 3 4. For general administration:

81 4 \$ 3,660,030

81 5 5. For local administrative costs:

81 6 \$ 2,136,565

81 7 6. For state child care assistance:

81 8 \$ 18,073,746

81 9 a. Of the funds appropriated in this subsection, \$200,000
81 10 shall be used for provision of educational opportunities to

81 11 registered child care home providers in order to improve
81 12 services and programs offered by this category of providers
81 13 and to increase the number of providers. The department may
81 14 contract with institutions of higher education or child care
81 15 resource and referral centers to provide the educational
81 16 opportunities. Allowable administrative costs under the
81 17 contracts shall not exceed 5 percent. The application for a
81 18 grant shall not exceed two pages in length.

81 19 b. Of the funds appropriated in this subsection, the
81 20 maximum amount allowed under Pub. L. No. 104=193 and successor
81 21 legislation shall be transferred to the child care and
81 22 development block grant appropriation. Funds appropriated in
81 23 this subsection that remain following the transfer shall be
81 24 used to provide direct spending for the child care needs of
81 25 working parents in families eligible for the family investment
81 26 program.

81 27 6A. For mental health and developmental disabilities
81 28 community services:

81 29 \$ 4,500,610

81 30 7. For child and family services:

81 31 \$ 33,475,728

81 32 8. For child abuse prevention grants:

81 33 \$ 250,000

81 34 9. For pregnancy prevention grants on the condition that
81 35 family planning services are funded:

82 1 \$ 2,514,413

82 2 a. If the department receives approval of a waiver from
82 3 the centers for Medicare and Medicaid services of the United
82 4 States department of health and human services to provide
82 5 family planning services, of the amount appropriated in this
82 6 subsection, \$533,580 shall be transferred to the appropriation
82 7 in this Act for child and family services.

82 8 b. Pregnancy prevention grants shall be awarded to
82 9 programs in existence on or before July 1, 2004, if the
82 10 programs are comprehensive in scope and have demonstrated
82 11 positive outcomes. Grants shall be awarded to pregnancy
82 12 prevention programs which are developed after July 1, 2004, if
82 13 the programs are comprehensive in scope and are based on
82 14 existing models that have demonstrated positive outcomes.
82 15 Grants shall comply with the requirements provided in 1997
82 16 Iowa Acts, chapter 208, section 14, subsections 1 and 2,
82 17 including the requirement that grant programs must emphasize
82 18 sexual abstinence. Priority in the awarding of grants shall
82 19 be given to programs that serve areas of the state which
82 20 demonstrate the highest percentage of unplanned pregnancies of
82 21 females age 13 or older but younger than age 18 within the
82 22 geographic area to be served by the grant.

82 23 c. In addition to the full-time equivalent positions
82 24 funded in this Act, the department may use a portion of the
82 25 funds appropriated in this subsection to employ up to an
82 26 additional 1.00 FTE for the administration of programs
82 27 specified in this subsection.

82 28 10. For technology needs and other resources necessary to
82 29 meet federal welfare reform reporting, tracking, and case
82 30 management requirements:

82 31 \$ 1,037,186

82 32 11. For the healthy opportunities for parents to
82 33 experience success (HOPES) program administered by the Iowa
82 34 department of public health to target child abuse prevention:

82 35 \$ 200,000

83 1 12. To be credited to the state child care assistance
83 2 appropriation made in this section to be used for funding of
83 3 community-based early childhood programs targeted to children
83 4 from birth through five years of age, developed by community
83 5 empowerment areas as provided in this subsection:

83 6 \$ 7,350,000

83 7 a. The department may transfer TANF block grant funding
83 8 appropriated and allocated in this subsection to the child
83 9 care and development block grant appropriation in accordance
83 10 with federal law as necessary to comply with the provisions of
83 11 this subsection. The funding shall then be provided to
83 12 community empowerment areas for the fiscal year beginning July
83 13 1, 2004, in accordance with all of the following:

83 14 (1) The area must be approved as a designated community
83 15 empowerment area by the Iowa empowerment board.

83 16 (2) The maximum funding amount a community empowerment
83 17 area is eligible to receive shall be determined by applying
83 18 the area's percentage of the state's average monthly family
83 19 investment program population in the preceding fiscal year to
83 20 the total amount appropriated for fiscal year 2004=2005 from
83 21 the TANF block grant to fund community-based programs targeted

83 22 to children from birth through five years of age developed by
83 23 community empowerment areas.

83 24 (3) A community empowerment area receiving funding shall
83 25 comply with any federal reporting requirements associated with
83 26 the use of that funding and other results and reporting
83 27 requirements established by the Iowa empowerment board. The
83 28 department shall provide technical assistance in identifying
83 29 and meeting the federal requirements.

83 30 (4) The availability of funding provided under this
83 31 subsection is subject to changes in federal requirements and
83 32 amendments to Iowa law.

83 33 b. The moneys distributed in accordance with this
83 34 subsection shall be used by communities for the purposes of
83 35 enhancing quality child care capacity in support of parent
84 1 capability to obtain or retain employment. The moneys shall
84 2 be used with a primary emphasis on low-income families and
84 3 children from birth to five years of age. Moneys shall be
84 4 provided in a flexible manner to communities, and shall be
84 5 used to implement strategies identified by the communities to
84 6 achieve such purposes. In addition to the full-time
84 7 equivalent positions authorized in this division of this Act,
84 8 1.00 FTE position is authorized and the department may use
84 9 funding appropriated in this subsection for provision of
84 10 technical assistance and other support to communities
84 11 developing and implementing strategies with moneys distributed
84 12 in accordance with this subsection.

84 13 c. Moneys that are subject to this subsection which are
84 14 not distributed to a community empowerment area or otherwise
84 15 remain unobligated or unexpended at the end of the fiscal year
84 16 shall revert to the fund created in section 8.41 to be
84 17 available for appropriation by the general assembly in a
84 18 subsequent fiscal year.

84 19 13. For a pilot program to be established in a judicial
84 20 district, selected by the department and the judicial council,
84 21 to provide employment and support services to delinquent child
84 22 support obligors as an alternative to commitment to jail as
84 23 punishment for contempt of court:

84 24 \$ 200,000

84 25 Of the amounts appropriated in this section, \$11,904,734
84 26 for the fiscal year beginning July 1, 2004, shall be
84 27 transferred to the appropriation of the federal social
84 28 services block grant for that fiscal year. If the federal
84 29 government revises requirements to reduce the amount that may
84 30 be transferred to the federal social services block grant, it
84 31 is the intent of the general assembly to act expeditiously
84 32 during the 2005 legislative session to adjust appropriations
84 33 or the transfer amount or take other actions to address the
84 34 reduced amount.

84 35 Eligible funding available under the TANF block grant that
85 1 is not appropriated or not otherwise expended shall be
85 2 considered reserved for economic downturns and welfare reform
85 3 purposes and is subject to further state appropriation to
85 4 support families in their movement toward self-sufficiency.

85 5 Federal funding received that is designated for activities
85 6 supporting marriage or two-parent families is appropriated to
85 7 the Iowa marriage initiative grant fund created in section
85 8 234.45.

85 9 Sec. 99. IOWA MARRIAGE INITIATIVE GRANT FUND.

85 10 1. Moneys credited to the Iowa marriage initiative grant
85 11 fund under 2003 Iowa Acts, chapter 175, section 7, subsection
85 12 15, and any other moneys credited to the fund are appropriated
85 13 to the department for the fiscal year beginning July 1, 2004,
85 14 and ending June 30, 2005, to be used in accordance with this
85 15 section.

85 16 2. The department shall establish an Iowa fatherhood and
85 17 family initiative grant program utilizing funds credited to
85 18 the Iowa marriage initiative grant fund created in section
85 19 234.45 to fund services to support fatherhood and to encourage
85 20 the formation and maintenance of two-parent families that are
85 21 secure and nurturing. The department of human services shall
85 22 adopt rules pursuant to chapter 17A to administer the grant
85 23 fund and to establish procedures for awarding of grants.

85 24 3. The program shall require that a grantee be a nonprofit
85 25 organization incorporated in this state with demonstrated
85 26 successful experience in facilitating fatherhood promotion
85 27 activities, marriage and family promotion activities, in using
85 28 media resources to promote fatherhood and marriage and family
85 29 formation, in making presentations to service or faith-based
85 30 organizations, and in raising private funding for activities
85 31 that support fatherhood, marriage, and families.

85 32 4. Preference in awarding grants may be given to those

85 33 nonprofit organizations working with faith-based groups and
85 34 those groups targeting young fathers.

85 35 5. The program activities funded by a grant shall include
86 1 but are not limited to all of the following:

86 2 a. Working with individuals who have a demonstrated
86 3 ability in working with at-risk fathers or working with those
86 4 who may solemnize marriages pursuant to section 595.10 to
86 5 utilize premarital diagnostic tools, to implement marriage
86 6 agreements developed by the individuals who may solemnize
86 7 marriages pursuant to section 595.10 that provide for an
86 8 appropriate engagement period and premarital and post marital
86 9 counseling, and to use volunteer mentors in program
86 10 activities.

86 11 b. Provision of a series of meetings sharing best
86 12 practices that encourage young fathers to fulfill their
86 13 responsibilities to the expectant mother of the child during
86 14 the pregnancy, and to the mother of the child following the
86 15 birth of the child, that promote happy and healthy marriages,
86 16 and that offer counseling to determine the father's level of
86 17 commitment to the child and the child's mother.

86 18 6. The program activities funded by a grant shall be
86 19 privately funded at no less than fifty percent of the grant
86 20 amount.

86 21 7. Grants shall be awarded in a manner that results in
86 22 provision of services throughout the state in an equal number
86 23 of urban and rural geographic areas.

86 24 8. The department shall implement the grant program so
86 25 that the initial request for proposals is issued on or before
86 26 October 1, 2004, and so that any grants are awarded on or
86 27 before January 1, 2005.

86 28 9. A grantee shall submit a quarterly financial report to
86 29 the department and to the legislative services agency and
86 30 shall be subject to an annual independent evaluation to assess
86 31 accomplishment of the purposes of the program.

86 32 10. The department shall provide a copy of the request for
86 33 proposals and shall submit a report concerning the proposals
86 34 received and grants awarded to those persons designated by
86 35 this division of this Act to receive reports.

87 1 11. The department may adopt emergency rules to implement
87 2 the provisions of this section.

87 3 Sec. 100. FAMILY INVESTMENT PROGRAM ACCOUNT.

87 4 1. Moneys credited to the family investment program (FIP)
87 5 account for the fiscal year beginning July 1, 2004, and ending
87 6 June 30, 2005, shall be used in accordance with the following
87 7 requirements:

87 8 a. The department of human services shall provide
87 9 assistance in accordance with chapter 239B.

87 10 b. The department shall continue the special needs program
87 11 under FIP.

87 12 c. The department shall continue to comply with federal
87 13 welfare reform data requirements pursuant to the
87 14 appropriations made for that purpose.

87 15 2. The department may use a portion of the moneys credited
87 16 to the FIP account under this section, as necessary for
87 17 salaries, support, maintenance, and miscellaneous purposes for
87 18 not more than the following full-time equivalent positions
87 19 which are in addition to any other full-time equivalent
87 20 positions authorized by this division of this Act:

87 21 FTEs 9.98

87 22 3. The department may transfer funds in accordance with
87 23 section 8.39, either federal or state, to or from the child
87 24 care appropriations made for the fiscal year beginning July 1,
87 25 2004, if the department deems this would be a more effective
87 26 method of paying for JOBS program child care, to maximize
87 27 federal funding, or to meet federal maintenance of effort
87 28 requirements.

87 29 4. Moneys appropriated in this division of this Act and
87 30 credited to the FIP account for the fiscal year beginning July
87 31 1, 2004, and ending June 30, 2005, are allocated as follows:

87 32 a. For the family development and self-sufficiency grant
87 33 program as provided under section 217.12:

87 34 \$ 5,133,042

87 35 (1) Of the funds allocated for the family development and
88 1 self-sufficiency grant program in this lettered paragraph, not
88 2 more than 5 percent of the funds shall be used for the
88 3 administration of the grant program.

88 4 (2) Based upon the annual evaluation report concerning
88 5 each grantee funded by previously appropriated funds and
88 6 through the solicitation of additional grant proposals, the
88 7 family development and self-sufficiency council may use the
88 8 allocated funds to renew or expand existing grants or award

88 9 new grants. In utilizing the funding allocated in this
88 10 lettered paragraph, the council shall give consideration, in
88 11 addition to other criteria established by the council, to a
88 12 grantee's intended use of local funds with a grant and to
88 13 whether approval of a grant proposal would expand the
88 14 availability of the program's services.

88 15 (3) The department may continue to implement the family
88 16 development and self-sufficiency grant program statewide
88 17 during FY 2004=2005.

88 18 b. For the diversion subaccount of the FIP account:

88 19 \$ 2,814,000

88 20 (1) Moneys allocated to the diversion subaccount shall be
88 21 used to implement FIP diversion statewide while continuing the
88 22 local flexibility in program design. A family that meets
88 23 income eligibility requirements for FIP may receive a one-time
88 24 payment to remedy an immediate need in order to permit the
88 25 family to maintain self-sufficiency without providing ongoing
88 26 cash assistance. A FIP participant family may receive
88 27 diversion assistance to overcome barriers to obtaining
88 28 employment and to assist in stabilizing employment in order to
88 29 increase the likelihood of the family leaving FIP more
88 30 quickly. The department shall assess and screen individuals
88 31 who would most likely benefit from the assistance. In
88 32 addition to the full-time equivalent positions authorized in
88 33 this division of this Act, 1.00 FTE is authorized for purposes
88 34 of diversion. The department may adopt additional eligibility
88 35 criteria as necessary for compliance with federal law and for
89 1 screening those families who would be most likely to become
89 2 eligible for FIP if diversion incentives would not be
89 3 provided.

89 4 (2) A portion of the moneys allocated for the subaccount
89 5 may be used for field operations salaries, data management
89 6 system development, and implementation costs and support
89 7 deemed necessary by the director of human services in order to
89 8 administer the FIP diversion program.

89 9 (3) Of the funds allocated in this lettered paragraph, not
89 10 more than \$250,000 shall be used to develop or continue
89 11 community-level parental obligation pilot projects. The
89 12 requirements established under 2001 Iowa Acts, chapter 191,
89 13 section 3, subsection 5, paragraph "c", subparagraph (3),
89 14 shall remain applicable to the parental obligation pilot
89 15 projects for fiscal year 2004=2005.

89 16 c. For the food stamp employment and training program:

89 17 \$ 64,278

89 18 5. Of the child support collections assigned under FIP, an
89 19 amount equal to the federal share of support collections shall
89 20 be credited to the child support recovery appropriation. Of
89 21 the remainder of the assigned child support collections
89 22 received by the child support recovery unit, a portion shall
89 23 be credited to the FIP account and a portion may be used to
89 24 increase recoveries.

89 25 6. The department may adopt emergency administrative rules
89 26 for the family investment, food stamp, and medical assistance
89 27 programs, if necessary, to comply with federal requirements.

89 28 7. The department may continue the initiative to
89 29 streamline and simplify the employer verification process for
89 30 applicants, participants, and employers in the administration
89 31 of the department's programs. The department may contract
89 32 with companies collecting data from employers when the
89 33 information is needed in the administration of these programs.
89 34 The department may limit the availability of the initiative on
89 35 the basis of geographic area or number of individuals.

90 1 Sec. 101. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
90 2 is appropriated from the general fund of the state to the
90 3 department of human services for the fiscal year beginning
90 4 July 1, 2004, and ending June 30, 2005, the following amount,
90 5 or so much thereof as is necessary, to be used for the purpose
90 6 designated:

90 7 To be credited to the family investment program (FIP)
90 8 account and used for family investment program assistance
90 9 under chapter 239B:

90 10 \$ 39,045,438

90 11 1. The department of workforce development, in
90 12 consultation with the department of human services, shall
90 13 continue to utilize recruitment and employment practices to
90 14 include former and current FIP recipients.

90 15 2. The department of human services shall continue to work
90 16 with the department of workforce development and local
90 17 community collaborative efforts to provide support services
90 18 for FIP participants. The support services shall be directed
90 19 to those participant families who would benefit from the

90 20 support services and are likely to have success in achieving
90 21 economic independence.

90 22 3. Of the funds appropriated in this section, \$9,274,143
90 23 is allocated for the JOBS program.

90 24 4. The department shall continue to work with religious
90 25 organizations and other charitable institutions to increase
90 26 the availability of host homes, referred to as second chance
90 27 homes or other living arrangements under the federal Personal
90 28 Responsibility and Work Opportunity Reconciliation Act of
90 29 1996, Pub. L. No. 104-193, } 103, and successor legislation.
90 30 The purpose of the homes or arrangements is to provide a
90 31 supportive and supervised living arrangement for minor parents
90 32 receiving assistance under the family investment program who,
90 33 under chapter 239B, may receive assistance while living in an
90 34 alternative setting other than with their parent or legal
90 35 guardian.

91 1 Sec. 102. CHILD SUPPORT RECOVERY. There is appropriated
91 2 from the general fund of the state to the department of human
91 3 services for the fiscal year beginning July 1, 2004, and
91 4 ending June 30, 2005, the following amount, or so much thereof
91 5 as is necessary, to be used for the purposes designated:

91 6 For child support recovery, including salaries, support,
91 7 maintenance, and miscellaneous purposes and for not more than
91 8 the following full-time equivalent positions:
91 9 \$ 5,715,656
91 10 FTEs 407.00

91 11 1. The director of human services, within the limitations
91 12 of the moneys appropriated in this section, or moneys
91 13 transferred from the family investment program account for
91 14 this purpose, shall establish new positions and add employees
91 15 to the child support recovery unit if the director determines
91 16 that both the current and additional employees together can
91 17 reasonably be expected to maintain or increase net state
91 18 revenue at or beyond the budgeted level.

91 19 2. Nonpublic assistance application fees and other user
91 20 fees received by the child support recovery unit are
91 21 appropriated and shall be used for the purposes of the child
91 22 support recovery program. The director of human services may
91 23 add positions within the limitations of the amount
91 24 appropriated for salaries and support for the positions.

91 25 3. The director of human services, in consultation with
91 26 the department of management and the legislative fiscal
91 27 committee, is authorized to receive and deposit state child
91 28 support incentive earnings in the manner specified under
91 29 applicable federal requirements.

91 30 4. a. The director of human services may establish new
91 31 positions and add state employees to the child support
91 32 recovery unit or contract for delivery of services if the
91 33 director determines the employees are necessary to replace
91 34 county-funded positions eliminated due to termination,
91 35 reduction, or nonrenewal of a chapter 28E contract. However,
92 1 the director must also determine that the resulting increase
92 2 in the state share of child support recovery incentives
92 3 exceeds the cost of the positions or contract, the positions
92 4 or contract are necessary to ensure continued federal funding
92 5 of the program, or the new positions or contract can
92 6 reasonably be expected to recover at least twice the amount of
92 7 money necessary to pay the salaries and support for the new
92 8 positions or the contract will generate at least 200 percent
92 9 of the cost of the contract.

92 10 b. Employees in full-time positions that transition from
92 11 county government to state government employment under this
92 12 subsection are exempt from testing, selection, and appointment
92 13 provisions of chapter 19A and from the provisions of
92 14 collective bargaining agreements relating to the filling of
92 15 vacant positions.

92 16 5. Surcharges paid by obligors and received by the unit as
92 17 a result of the referral of support delinquency by the child
92 18 support recovery unit to any private collection agency are
92 19 appropriated to the department and shall be used to pay the
92 20 costs of any contracts with the collection agencies.

92 21 6. The department shall expend up to \$31,000, including
92 22 federal financial participation, for the fiscal year beginning
92 23 July 1, 2004, for a child support public awareness campaign.
92 24 The department and the office of the attorney general shall
92 25 cooperate in continuation of the campaign. The public
92 26 awareness campaign shall emphasize, through a variety of media
92 27 activities, the importance of maximum involvement of both
92 28 parents in the lives of their children as well as the
92 29 importance of payment of child support obligations.

92 30 7. Federal access and visitation grant moneys shall be

92 31 issued directly to private not-for-profit agencies that
92 32 provide services designed to increase compliance with the
92 33 child access provisions of court orders, including but not
92 34 limited to neutral visitation site and mediation services.
92 35 Sec. 103. MEDICAL ASSISTANCE. There is appropriated from
93 1 the general fund of the state to the department of human
93 2 services for the fiscal year beginning July 1, 2004, and
93 3 ending June 30, 2005, the following amount, or so much thereof
93 4 as is necessary, to be used for the purpose designated:
93 5 For medical assistance reimbursement and associated costs
93 6 as specifically provided in the reimbursement methodologies in
93 7 effect on June 30, 2004, except as otherwise expressly
93 8 authorized by law, including reimbursement for abortion
93 9 services, which shall be available under the medical
93 10 assistance program only for those abortions which are
93 11 medically necessary:
93 12 \$352,794,101
93 13 1. Medically necessary abortions are those performed under
93 14 any of the following conditions:
93 15 a. The attending physician certifies that continuing the
93 16 pregnancy would endanger the life of the pregnant woman.
93 17 b. The attending physician certifies that the fetus is
93 18 physically deformed, mentally deficient, or afflicted with a
93 19 congenital illness.
93 20 c. The pregnancy is the result of a rape which is reported
93 21 within 45 days of the incident to a law enforcement agency or
93 22 public or private health agency which may include a family
93 23 physician.
93 24 d. The pregnancy is the result of incest which is reported
93 25 within 150 days of the incident to a law enforcement agency or
93 26 public or private health agency which may include a family
93 27 physician.
93 28 e. Any spontaneous abortion, commonly known as a
93 29 miscarriage, if not all of the products of conception are
93 30 expelled.
93 31 2. Notwithstanding section 8.39, the department may
93 32 transfer funds appropriated in this section to a separate
93 33 account established in the department's case management unit
93 34 for expenditures required to provide case management services
93 35 for mental health, mental retardation, and developmental
94 1 disabilities services under medical assistance which are
94 2 jointly funded by the state and county, pending final
94 3 settlement of the expenditures. Funds received by the case
94 4 management unit in settlement of the expenditures shall be
94 5 used to replace the transferred funds and are available for
94 6 the purposes for which the funds were appropriated in this
94 7 section.
94 8 3. a. The county of legal settlement shall be billed for
94 9 50 percent of the nonfederal share of the cost of case
94 10 management provided for adults, day treatment, and partial
94 11 hospitalization in accordance with sections 249A.26 and
94 12 249A.27, and 100 percent of the nonfederal share of the cost
94 13 of care for adults which is reimbursed under a federally
94 14 approved home and community-based services waiver that would
94 15 otherwise be approved for provision in an intermediate care
94 16 facility for persons with mental retardation (ICFMR), provided
94 17 under the medical assistance program. The state shall have
94 18 responsibility for the remaining 50 percent of the nonfederal
94 19 share of the cost of case management provided for adults, day
94 20 treatment, and partial hospitalization. For persons without a
94 21 county of legal settlement, the state shall have
94 22 responsibility for 100 percent of the nonfederal share of the
94 23 costs of case management provided for adults, day treatment,
94 24 partial hospitalization, and the home and community-based
94 25 services waiver. The case management services specified in
94 26 this subsection shall be billed to a county only if the
94 27 services are provided outside of a managed care contract.
94 28 b. The state shall pay the entire nonfederal share of the
94 29 costs for case management services provided to persons 17
94 30 years of age and younger who are served in a medical
94 31 assistance home and community-based services waiver program
94 32 for persons with mental retardation.
94 33 c. Medical assistance funding for case management services
94 34 for eligible persons 17 years of age and younger shall also be
94 35 provided to persons residing in counties with child welfare
95 1 decategorization projects implemented in accordance with
95 2 section 232.188, provided these projects have included these
95 3 persons in their service plan and the decategorization project
95 4 county is willing to provide the nonfederal share of costs.
95 5 d. When paying the necessary and legal expenses of ICFMR
95 6 services, the cost payment requirements of section 222.60

95 7 shall be considered fulfilled when payment is made in
95 8 accordance with the medical assistance payment rates
95 9 established for ICFMRs by the department and the state or a
95 10 county of legal settlement is not obligated for any amount in
95 11 excess of the rates.

95 12 e. Unless a county has paid or is paying for the
95 13 nonfederal share of the cost of a person's home and community=
95 14 based waiver services or ICFMR placement under the county's
95 15 mental health, mental retardation, and developmental
95 16 disabilities services fund, or unless a county of legal
95 17 settlement would become liable for the costs of services at
95 18 the ICFMR level of care for a person due to the person
95 19 reaching the age of majority, the state shall pay the
95 20 nonfederal share of the costs of an eligible person's services
95 21 under the home and community-based waiver for persons with
95 22 brain injury.

95 23 4. The department shall utilize not more than \$60,000 of
95 24 the funds appropriated in this section to continue the
95 25 AIDS/HIV health insurance premium payment program as
95 26 established in 1992 Iowa Acts, Second Extraordinary Session,
95 27 chapter 1001, section 409, subsection 6. Of the funds
95 28 allocated in this subsection, not more than \$5,000 may be
95 29 expended for administrative purposes.

95 30 5. Of the funds appropriated to the Iowa department of
95 31 public health for addictive disorders, \$950,000 for the fiscal
95 32 year beginning July 1, 2004, shall be transferred to the
95 33 department of human services for an integrated substance abuse
95 34 managed care system.

95 35 6. In administering the medical assistance home and
96 1 community-based services waivers, the total number of openings
96 2 at any one time shall be limited to the number approved for a
96 3 waiver by the secretary of the United States department of
96 4 health and human services. The openings shall be available on
96 5 a first-come, first-served basis.

96 6 7. The department of human services, in consultation with
96 7 the Iowa department of public health and the department of
96 8 education, shall continue the program to utilize the early and
96 9 periodic screening, diagnosis, and treatment (EPSDT) funding
96 10 under medical assistance, to the extent possible, to implement
96 11 the screening component of the EPSDT program through the
96 12 school system. The department may enter into contracts to
96 13 utilize maternal and child health centers, the public health
96 14 nursing program, or school nurses in implementing this
96 15 provision.

96 16 8. If the federal centers for Medicare and Medicaid
96 17 services approves a waiver request from the department, the
96 18 department shall provide a period of 12 months of guaranteed
96 19 eligibility for medical assistance family planning services
96 20 only, regardless of the change in circumstances of a woman who
96 21 was a medical assistance recipient when a pregnancy ended.
96 22 The department shall also provide this guaranteed eligibility
96 23 to women who are at least 13 years of age but less than 45
96 24 years of age with countable income at or below 200 percent of
96 25 the federal poverty level.

96 26 9. The department shall aggressively pursue options for
96 27 providing medical assistance or other assistance to
96 28 individuals with special needs who become ineligible to
96 29 continue receiving services under the early and periodic
96 30 screening, diagnosis, and treatment program under the medical
96 31 assistance program due to becoming 21 years of age, who have
96 32 been approved for additional assistance through the
96 33 department's exception to policy provisions, but who have
96 34 health care needs in excess of the funding available through
96 35 the exception to policy process.

97 1 10. The Iowa medical assistance drug utilization review
97 2 commission shall submit copies of the board's annual review,
97 3 including facts and findings, of the drugs on the department's
97 4 prior authorization list to the department and to the members
97 5 of the joint appropriations subcommittee on health and human
97 6 services.

97 7 11. The department of human services shall submit a
97 8 Medicaid state plan amendment to the centers for Medicare and
97 9 Medicaid services of the United States department of health
97 10 and human services to provide that for the fiscal year
97 11 beginning July 1, 2004, and ending June 30, 2005, the
97 12 department of human services shall adjust hospital payments to
97 13 state-owned acute-care hospitals with over 500 beds to offset
97 14 the high cost incurred by such facilities for providing
97 15 services to medical assistance patients. The amendment shall
97 16 provide that adjustments shall be made to the payments for
97 17 inpatient hospital services to which the hospital would

97 18 otherwise be entitled under the medical assistance program.
97 19 Additionally, the amendment shall provide that the adjustments
97 20 shall be established at the level intended to increase the
97 21 medical assistance payments to qualifying hospitals up to the
97 22 lesser of the categorical Medicare upper payment limit for
97 23 inpatient services, or the hospital-specific limit, as defined
97 24 under 42 C.F.R. 447.272, 42 C.F.R. 447.321, and 42 U.S.C. }
97 25 1396r-4(g), as applicable.

97 26 12. The department shall assist school districts in
97 27 applying for direct claiming under the medical assistance
97 28 program for funding of school district nursing services for
97 29 students.

97 30 Sec. 104. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
97 31 is appropriated from the general fund of the state to the
97 32 department of human services for the fiscal year beginning
97 33 July 1, 2004, and ending June 30, 2005, the following amount,
97 34 or so much thereof as is necessary, to be used for the purpose
97 35 designated:

98 1 For administration of the health insurance premium payment
98 2 program, including salaries, support, maintenance, and
98 3 miscellaneous purposes, and for not more than the following
98 4 full-time equivalent positions:
98 5 \$ 606,429
98 6 FTEs 20.95

98 7 Sec. 105. MEDICAL CONTRACTS. There is appropriated from
98 8 the general fund of the state to the department of human
98 9 services for the fiscal year beginning July 1, 2004, and
98 10 ending June 30, 2005, the following amount, or so much thereof
98 11 as is necessary, to be used for the purpose designated:

98 12 For medical contracts, including salaries, support,
98 13 maintenance, and miscellaneous purposes, and for not more than
98 14 the following full-time equivalent positions:
98 15 \$ 9,725,035
98 16 FTEs 1.00

98 17 1. In any managed care contract for mental health or
98 18 substance abuse services entered into or extended by the
98 19 department on or after July 1, 2004, the request for proposals
98 20 shall provide for coverage of dual diagnosis mental health and
98 21 substance abuse treatment provided at the state mental health
98 22 institute at Mount Pleasant. To the extent possible, the
98 23 department shall also amend any such contract existing on July
98 24 1, 2004, to provide for such coverage.

98 25 2. Up to \$665,000 of the moneys deposited in the
98 26 pharmaceutical settlement account created pursuant to section
98 27 249A.33 is appropriated to the department for the fiscal year
98 28 beginning July 1, 2004, and ending June 30, 2005, to be used
98 29 for the procurement of and transition to the new medical
98 30 assistance program fiscal agent vendors.

98 31 Sec. 106. MEDICAL ASSISTANCE PROGRAM == REQUIREMENTS.

98 32 1. The department of human services shall do all of the
98 33 following:

98 34 a. Consistent with applicable state and federal law, issue
98 35 one or more requests for proposals to purchase certain durable
99 1 medical equipment or supplies if such a procurement strategy
99 2 will reduce the costs of these items to the medical assistance
99 3 program while maintaining appropriate access and quality
99 4 standards.

99 5 b. Expand the recipient lock-in program, surveillance and
99 6 utilization review activities, and program audit activities to
99 7 the greatest extent possible. Any savings realized from the
99 8 expansion may be used to the extent necessary to pay the costs
99 9 associated with implementation of this subsection. The
99 10 department shall report the amount of any savings realized and
99 11 the amount of any costs paid to the persons designated in this
99 12 Act to receive reports.

99 13 c. Implement a health insurance data match program with
99 14 insurance carriers to be used to match insureds against a
99 15 listing of medical assistance recipients. The information
99 16 submitted shall be used solely to identify third-party payors
99 17 for medical assistance recipients and shall be kept
99 18 confidential. The department, in consultation with insurance
99 19 carriers, shall adopt rules to implement this paragraph. The
99 20 rules shall be published as emergency rules to take effect no
99 21 later than June 30, 2004. Insurance carriers shall begin
99 22 providing the information required upon the adoption of the
99 23 rules.

99 24 d. Notwithstanding any provision of law to the contrary,
99 25 institute a process whereby home health agencies are required
99 26 to bill the Medicare program for appropriate home health
99 27 services. The process shall require that as a condition of
99 28 receiving payment under the medical assistance program, the

99 29 home health agency must attach a Medicare denial of benefits
99 30 form to the Medicaid program claim form.

99 31 e. Identify and initiate a process for reducing reliance
99 32 on intermediate care facilities for persons with mental
99 33 retardation level of care and substituting community-based
99 34 care.

99 35 f. Provide that under the Iowa preferred drug list
100 1 requirements, any newly released generic drug product shall
100 2 only be considered to be a preferred drug and therefore not
100 3 subject to prior authorization if the generic product's cost
100 4 to the medical assistance program is less than the brand name
100 5 product's cost to the medical assistance program. In
100 6 determining the medical assistance program cost of each drug
100 7 product, the drug product cost shall be the net amount derived
100 8 following inclusion of all medical assistance program drug
100 9 rebates and after the impact of all Iowa-specific supplemental
100 10 rebates are taken into account.

100 11 2. The department may adopt emergency rules and shall
100 12 apply for any federal waivers or plan amendments necessary to
100 13 implement the provisions of this section.

100 14 Sec. 107. STATE SUPPLEMENTARY ASSISTANCE.

100 15 1. There is appropriated from the general fund of the
100 16 state to the department of human services for the fiscal year
100 17 beginning July 1, 2004, and ending June 30, 2005, the
100 18 following amount, or so much thereof as is necessary, to be
100 19 used for the purposes designated:

100 20 For state supplementary assistance and the medical
100 21 assistance home and community-based services waiver rent
100 22 subsidy program:

100 23 \$ 19,273,135

100 24 2. The department shall increase the personal needs
100 25 allowance for residents of residential care facilities by the
100 26 same percentage and at the same time as federal supplemental
100 27 security income and federal social security benefits are
100 28 increased due to a recognized increase in the cost of living.
100 29 The department may adopt emergency rules to implement this
100 30 subsection.

100 31 3. If during the fiscal year beginning July 1, 2004, the
100 32 department projects that state supplementary assistance
100 33 expenditures for a calendar year will not meet the federal
100 34 pass-along requirement specified in Title XVI of the federal
100 35 Social Security Act, section 1618, as codified in 42 U.S.C. }
101 1 1382g, the department may take actions including but not
101 2 limited to increasing the personal needs allowance for
101 3 residential care facility residents and making programmatic
101 4 adjustments or upward adjustments of the residential care
101 5 facility or in-home health-related care reimbursement rates
101 6 prescribed in this division of this Act to ensure that federal
101 7 requirements are met. In addition, the department may make
101 8 other programmatic and rate adjustments necessary to remain
101 9 within the amount appropriated in this section while ensuring
101 10 compliance with federal requirements. The department may
101 11 adopt emergency rules to implement the provisions of this
101 12 subsection.

101 13 Sec. 108. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
101 14 appropriated from the general fund of the state to the
101 15 department of human services for the fiscal year beginning
101 16 July 1, 2004, and ending June 30, 2005, the following amount,
101 17 or so much thereof as is necessary, to be used for the purpose
101 18 designated:

101 19 For maintenance of the healthy and well kids in Iowa (hawk=
101 20 i) program pursuant to chapter 514I for receipt of federal
101 21 financial participation under Title XXI of the federal Social
101 22 Security Act, which creates the state children's health
101 23 insurance program:

101 24 \$ 12,118,275

101 25 1. The department may transfer funds appropriated in this
101 26 section to be used for the purpose of expanding health care
101 27 coverage to children under the medical assistance program.
101 28 The department shall provide periodic updates to the general
101 29 assembly of expenditures of funds appropriated in this
101 30 section.

101 31 2. Moneys in the hawk=i trust fund are appropriated to the
101 32 department of human services and shall be used to offset any
101 33 program costs for the fiscal year beginning July 1, 2004, and
101 34 ending June 30, 2005.

101 35 Sec. 109. CHILD CARE ASSISTANCE. There is appropriated
102 1 from the general fund of the state to the department of human
102 2 services for the fiscal year beginning July 1, 2004, and
102 3 ending June 30, 2005, the following amount, or so much thereof
102 4 as is necessary, to be used for the purpose designated:

102 5 For child care programs:
102 6 \$ 5,050,752
102 7 1. a. Of the funds appropriated in this section,
102 8 \$4,525,228 shall be used for state child care assistance in
102 9 accordance with section 237A.13.
102 10 b. During the 2004=2005 fiscal year, the moneys deposited
102 11 in the child care credit fund created in section 237A.28 are
102 12 appropriated to the department to be used for state child care
102 13 assistance in accordance with section 237A.13, in addition to
102 14 the moneys allocated for that purpose in paragraph "a".
102 15 2. Nothing in this section shall be construed or is
102 16 intended as, or shall imply, a grant of entitlement for
102 17 services to persons who are eligible for assistance due to an
102 18 income level consistent with the waiting list requirements of
102 19 section 237A.13. Any state obligation to provide services
102 20 pursuant to this section is limited to the extent of the funds
102 21 appropriated in this section.
102 22 3. Of the funds appropriated in this section, \$525,524 is
102 23 allocated for the statewide program for child care resource
102 24 and referral services under section 237A.26.
102 25 4. The department may use any of the funds appropriated in
102 26 this section as a match to obtain federal funds for use in
102 27 expanding child care assistance and related programs. For the
102 28 purpose of expenditures of state and federal child care
102 29 funding, funds shall be considered obligated at the time
102 30 expenditures are projected or are allocated to the
102 31 department's service areas. Projections shall be based on
102 32 current and projected caseload growth, current and projected
102 33 provider rates, staffing requirements for eligibility
102 34 determination and management of program requirements including
102 35 data systems management, staffing requirements for
103 1 administration of the program, contractual and grant
103 2 obligations and any transfers to other state agencies, and
103 3 obligations for decategorization or innovation projects.
103 4 5. A portion of the state match for the federal child care
103 5 and development block grant shall be provided through the
103 6 state general fund appropriation for child development grants
103 7 and other programs for at-risk children in section 279.51.
103 8 6. If the department receives additional funding from the
103 9 federal government designated for purposes of improving child
103 10 care quality, the funding shall be used for additional child
103 11 care consultant positions within the department's field
103 12 operations.
103 13 Sec. 110. CHILD CARE QUALITY RATING SYSTEM.
103 14 1. By December 15, 2004, the department of human services
103 15 shall submit to the governor and general assembly a plan for
103 16 implementation of a voluntary child care provider quality
103 17 rating system. In developing the implementation plan for the
103 18 quality rating system, the department of human services shall
103 19 partner with the community empowerment office in the
103 20 department of management and the state child care advisory
103 21 council. The department shall also coordinate with the state
103 22 agencies represented on the Iowa empowerment board, child care
103 23 resource and referral service grantees under section 237A.26,
103 24 and other agencies and organizations that focus on community=
103 25 based early childhood services.
103 26 2. The implementation plan shall detail the rating system
103 27 structure, including the number of quality levels, outline the
103 28 manner in which the system will be administered, identify the
103 29 statutory and rule changes needed, identify implementation
103 30 costs and funding strategies, include a communication plan
103 31 targeted to both providers and parents, and propose an
103 32 implementation timeline.
103 33 3. Each quality rating level in the proposed system may
103 34 address one or more of the following quality variables: staff
103 35 education, training, and credentials; director education and
104 1 training; an environmental rating scale or other means to
104 2 assess or evaluate the physical, health, and safety aspects of
104 3 a child care facility; parental involvement; staff-to-child
104 4 ratios; national accreditation; compliance history;
104 5 curriculum; business practices; staff retention; staff
104 6 compensation and benefits; provider membership in early
104 7 childhood professional organizations; and other appropriate
104 8 quality variables.
104 9 4. In providing support and recognition for providers who
104 10 seek to attain higher quality rating levels, the plan may
104 11 propose payment of a reimbursement differential under the
104 12 state child care assistance program. In addition, the plan
104 13 may provide for supplying provider quality ratings on the
104 14 department's internet site and in other consumer information
104 15 distributed pursuant to section 237A.25 and in information

104 16 supplied to parents by child care resource and referral
104 17 services.
104 18 Sec. 111. JUVENILE INSTITUTIONS. There is appropriated
104 19 from the general fund of the state to the department of human
104 20 services for the fiscal year beginning July 1, 2004, and
104 21 ending June 30, 2005, the following amounts, or so much
104 22 thereof as is necessary, to be used for the purposes
104 23 designated:

104 24 1. For operation of the Iowa juvenile home at Toledo and
104 25 for salaries, support, maintenance, and for not more than the
104 26 following full-time equivalent positions:

104 27 \$ 6,061,266
104 28 FTEs 130.54

104 29 The department is requested to convene a group to review
104 30 the programs and services of the Iowa juvenile home and to
104 31 present the governor and general assembly with suggestions for
104 32 improvements. The group should review previous studies and
104 33 reports on the institution. The membership of the group
104 34 should include but is not limited to representatives of
104 35 departmental field staff, juvenile judges, juvenile court
105 1 officers, alumni of the institution, other departmental
105 2 institutions, community-based providers, and other interested
105 3 parties.

105 4 2. For operation of the state training school at Eldora
105 5 and for salaries, support, maintenance, and for not more than
105 6 the following full-time equivalent positions:

105 7 \$ 9,570,563
105 8 FTEs 218.53

105 9 3. During the fiscal year beginning July 1, 2004, the
105 10 population levels at the state juvenile institutions shall not
105 11 exceed the population guidelines established under 1990 Iowa
105 12 Acts, chapter 1239, section 21, as adjusted for subsequent
105 13 changes in capacity at the institutions.

105 14 4. A portion of the moneys appropriated in this section
105 15 shall be used by the state training school and by the Iowa
105 16 juvenile home for grants for adolescent pregnancy prevention
105 17 activities at the institutions in the fiscal year beginning
105 18 July 1, 2004.

105 19 5. Within the amounts appropriated in this section, the
105 20 department may transfer funds as necessary to best fulfill the
105 21 needs of the institutions provided for in the appropriation.

105 22 Sec. 112. CHILD AND FAMILY SERVICES.

105 23 1. There is appropriated from the general fund of the
105 24 state to the department of human services for the fiscal year
105 25 beginning July 1, 2004, and ending June 30, 2005, the
105 26 following amount, or so much thereof as is necessary, to be
105 27 used for the purpose designated:

105 28 For child and family services:
105 29 \$ 96,935,253

105 30 In order to address a reduction of \$6,200,000 from the
105 31 amount allocated under this appropriation in prior years for
105 32 purposes of juvenile delinquent graduated sanction services,
105 33 up to \$6,200,000 of the amount of federal temporary assistance
105 34 for needy families block grant funding appropriated in this
105 35 division of this Act for child and family services, shall be
106 1 made available for purposes of juvenile delinquent graduated
106 2 sanction services.

106 3 2. The department may transfer funds appropriated in this
106 4 section as necessary to pay the nonfederal costs of services
106 5 reimbursed under medical assistance or the family investment
106 6 program which are provided to children who would otherwise
106 7 receive services paid under the appropriation in this section.
106 8 The department may transfer funds appropriated in this section
106 9 to the appropriations in this division of this Act for general
106 10 administration and for field operations for resources
106 11 necessary to implement and operate the services funded in this
106 12 section.

106 13 3. a. Of the funds appropriated in this section, up to
106 14 \$34,653,383 is allocated as the statewide expenditure target
106 15 under section 232.143 for group foster care maintenance and
106 16 services.

106 17 b. If at any time after September 30, 2004, annualization
106 18 of a service area's current expenditures indicates a service
106 19 area is at risk of exceeding its group foster care expenditure
106 20 target under section 232.143 by more than 5 percent, the
106 21 department and juvenile court services shall examine all group
106 22 foster care placements in that service area in order to
106 23 identify those which might be appropriate for termination. In
106 24 addition, any aftercare services believed to be needed for the
106 25 children whose placements may be terminated shall be
106 26 identified. The department and juvenile court services shall

106 27 initiate action to set dispositional review hearings for the
106 28 placements identified. In such a dispositional review
106 29 hearing, the juvenile court shall determine whether needed
106 30 aftercare services are available and whether termination of
106 31 the placement is in the best interest of the child and the
106 32 community.

106 33 c. Of the funds allocated in this subsection, \$1,398,403
106 34 is allocated as the state match funding for 50 highly
106 35 structured juvenile program beds. If the number of beds
107 1 provided for in this lettered paragraph is not utilized, the
107 2 remaining funds allocated may be used for group foster care.

107 3 d. For the fiscal year beginning July 1, 2004, the
107 4 requirements of section 232.143 applicable to the juvenile
107 5 court and to representatives of the juvenile court shall be
107 6 applicable instead to juvenile court services and to
107 7 representatives of juvenile court services. The
107 8 representatives appointed by the department of human services
107 9 and by juvenile court services to establish the plan to
107 10 contain expenditures for children placed in group foster care
107 11 ordered by the court within the budget target allocated to the
107 12 service area shall establish the plan in a manner so as to
107 13 ensure the moneys allocated to the service area under section
107 14 232.143 shall last the entire fiscal year. Funds for a child
107 15 placed in group foster care shall be considered encumbered for
107 16 the duration of the child's projected or actual length of
107 17 stay, whichever is applicable.

107 18 4. In accordance with the provisions of section 232.188,
107 19 the department shall continue the program to decategorize
107 20 child welfare services funding. Of the funds appropriated in
107 21 this section, \$1,000,000 is allocated specifically for
107 22 expenditure through the decategorization of child welfare
107 23 funding pools and governance boards established pursuant to
107 24 section 232.188. In addition, up to \$2,000,000 of the amount
107 25 of federal temporary assistance for needy families block grant
107 26 funding appropriated in this division of this Act for child
107 27 and family services shall be made available for purposes of
107 28 decategorization of child welfare services as provided in this
107 29 subsection. Notwithstanding section 8.33, moneys allocated in
107 30 this subsection that remain unencumbered or unobligated at the
107 31 close of the fiscal year shall not revert but shall remain
107 32 available for expenditure for the purposes designated until
107 33 the close of the succeeding fiscal year. It is the intent of
107 34 the general assembly that the department continue its practice
107 35 of providing strong support for Iowa's nationally recognized
108 1 initiative of decategorization of child welfare funding.

108 2 5. Of the funds appropriated in this section, up to
108 3 \$915,892 is allocated for additional funding of the family
108 4 preservation program.

108 5 6. The department shall continue the goal that not more
108 6 than 15 percent of the children placed in foster care funded
108 7 under the federal Social Security Act, Title IV=E, may be
108 8 placed in foster care for a period of more than 24 months.

108 9 7. A portion of the funding appropriated in this section
108 10 may be used for emergency family assistance to provide other
108 11 resources required for a family participating in a family
108 12 preservation or reunification project to stay together or to
108 13 be reunified.

108 14 8. Notwithstanding section 234.35, subsection 1, for the
108 15 fiscal year beginning July 1, 2004, state funding for shelter
108 16 care paid pursuant to section 234.35, subsection 1, paragraph
108 17 "h", shall be limited to \$6,926,718.

108 18 9. The department shall continue to make adoption
108 19 presubsidy and adoption subsidy payments to adoptive parents
108 20 at the beginning of the month for the current month.

108 21 10. Federal funds received by the state during the fiscal
108 22 year beginning July 1, 2004, as the result of the expenditure
108 23 of state funds appropriated during a previous state fiscal
108 24 year for a service or activity funded under this section, are
108 25 appropriated to the department to be used as additional
108 26 funding for services and purposes provided for under this
108 27 section. Notwithstanding section 8.33, moneys received in
108 28 accordance with this subsection that remain unencumbered or
108 29 unobligated at the close of the fiscal year shall not revert
108 30 to any fund but shall remain available for the purposes
108 31 designated until the close of the succeeding fiscal year.

108 32 11. Of the moneys appropriated in this section, not more
108 33 than \$442,100 is allocated to provide clinical assessment
108 34 services as necessary to continue funding of children's
108 35 rehabilitation services under medical assistance in accordance
109 1 with federal law and requirements. The funding allocated is
109 2 the amount projected to be necessary for providing the

109 3 clinical assessment services.
109 4 12. Of the funding appropriated in this section,
109 5 \$3,696,285 shall be used for protective child care assistance.
109 6 13. Of the moneys appropriated in this section, up to
109 7 \$2,859,851 is allocated for the payment of the expenses of
109 8 court-ordered services provided to juveniles which are a
109 9 charge upon the state pursuant to section 232.141, subsection
109 10 4. Of the amount allocated in this subsection, up to
109 11 \$1,431,597 shall be made available to provide school-based
109 12 supervision of children adjudicated under chapter 232, of
109 13 which not more than \$15,000 may be used for the purpose of
109 14 training. A portion of the cost of each school-based liaison
109 15 officer shall be paid by the school district or other funding
109 16 source as approved by the chief juvenile court officer.
109 17 a. Notwithstanding section 232.141 or any other provision
109 18 of law to the contrary, the amount allocated in this
109 19 subsection shall be distributed to the judicial districts as
109 20 determined by the state court administrator. The state court
109 21 administrator shall make the determination of the distribution
109 22 amounts on or before June 15, 2004.
109 23 b. Notwithstanding chapter 232 or any other provision of
109 24 law to the contrary, a district or juvenile court shall not
109 25 order any service which is a charge upon the state pursuant to
109 26 section 232.141 if there are insufficient court-ordered
109 27 services funds available in the district court distribution
109 28 amount to pay for the service. The chief juvenile court
109 29 officer shall encourage use of the funds allocated in this
109 30 subsection such that there are sufficient funds to pay for all
109 31 court-related services during the entire year. The chief
109 32 juvenile court officers shall attempt to anticipate potential
109 33 surpluses and shortfalls in the distribution amounts and shall
109 34 cooperatively request the state court administrator to
109 35 transfer funds between the districts' distribution amounts as
110 1 prudent.
110 2 c. Notwithstanding any provision of law to the contrary, a
110 3 district or juvenile court shall not order a county to pay for
110 4 any service provided to a juvenile pursuant to an order
110 5 entered under chapter 232 which is a charge upon the state
110 6 under section 232.141, subsection 4.
110 7 d. Of the funding allocated in this subsection, not more
110 8 than \$100,000 may be used by the judicial branch for
110 9 administration of the requirements under this subsection and
110 10 for travel associated with court-ordered placements which are
110 11 a charge upon the state pursuant to section 232.141,
110 12 subsection 4.
110 13 14. The department shall maximize the capacity to draw
110 14 federal funding under Title IV=E of the federal Social
110 15 Security Act.
110 16 15. Notwithstanding section 234.39, subsection 5, and 2000
110 17 Iowa Acts, chapter 1228, section 43, the department may
110 18 operate a subsidized guardianship program if the United States
110 19 department of health and human services approves a waiver
110 20 under Title IV=E of the federal Social Security Act or the
110 21 federal Social Security Act is amended to allow Title IV=E
110 22 funding to be used for subsidized guardianship, and the
110 23 subsidized guardianship program can be operated without loss
110 24 of Title IV=E funds.
110 25 16. The department shall work with foster and adoptive
110 26 families, private child welfare agencies, and advocates to
110 27 identify savings alternatives in the adoption subsidy program.
110 28 The department may adopt emergency rules to implement this
110 29 subsection.
110 30 17. The department shall develop a plan for privatizing
110 31 the administration of the foster care and adoption programs.
110 32 The plan shall be submitted to the governor and the general
110 33 assembly on or before December 15, 2004.
110 34 18. Of the amount appropriated in this section, \$100,000
110 35 shall be transferred to the Iowa department of public health
111 1 to be used for the child protection center grant program in
111 2 accordance with section 135.118.
111 3 19. Of the amount appropriated in this section, \$148,000
111 4 shall be used for funding of one or more child welfare
111 5 diversion and mediation pilot projects as provided in House
111 6 File 2462.
111 7 Sec. 113. JUVENILE DETENTION HOME FUND. Moneys deposited
111 8 in the juvenile detention home fund created in section 232.142
111 9 during the fiscal year beginning July 1, 2004, and ending June
111 10 30, 2005, are appropriated to the department of human services
111 11 for the fiscal year beginning July 1, 2004, and ending June
111 12 30, 2005, for distribution as follows:
111 13 1. An amount equal to ten percent of the costs of the

111 14 establishment, improvement, operation, and maintenance of
111 15 county or multicounty juvenile detention homes in the fiscal
111 16 year beginning July 1, 2003. Moneys appropriated for
111 17 distribution in accordance with this subsection shall be
111 18 allocated among eligible detention homes, prorated on the
111 19 basis of an eligible detention home's proportion of the costs
111 20 of all eligible detention homes in the fiscal year beginning
111 21 July 1, 2003. Notwithstanding section 232.142, subsection 3,
111 22 the financial aid payable by the state under that provision
111 23 for the fiscal year beginning July 1, 2004, shall be limited
111 24 to the amount appropriated for the purposes of this
111 25 subsection.

111 26 2. For renewal of a grant to a county with a population
111 27 between 189,000 and 196,000 for implementation of the county's
111 28 runaway treatment plan under section 232.195:

111 29 \$ 80,000

111 30 3. For continuation and expansion of the community
111 31 partnership for child protection sites:

111 32 \$ 318,000

111 33 4. For grants to counties implementing a runaway treatment
111 34 plan under section 232.195.

111 35 5. The remainder for additional allocations to county or
112 1 multicounty juvenile detention homes, in accordance with the
112 2 distribution requirements of subsection 1.

112 3 Sec. 114. FAMILY SUPPORT SUBSIDY PROGRAM. There is
112 4 appropriated from the general fund of the state to the
112 5 department of human services for the fiscal year beginning
112 6 July 1, 2004, and ending June 30, 2005, the following amount,
112 7 or so much thereof as is necessary, to be used for the purpose
112 8 designated:

112 9 For the family support subsidy program:

112 10 \$ 1,936,434

112 11 1. The department may use up to \$333,312 of the moneys
112 12 appropriated in this section to continue the children-at-home
112 13 program in current counties, of which not more than \$20,000
112 14 shall be used for administrative costs.

112 15 2. Notwithstanding section 225C.38, subsection 1, the
112 16 monthly family support payment amount for the fiscal year
112 17 beginning July 1, 2004, shall remain the same as the payment
112 18 amount in effect on June 30, 2004.

112 19 Sec. 115. CONNER DECREE. There is appropriated from the
112 20 general fund of the state to the department of human services
112 21 for the fiscal year beginning July 1, 2004, and ending June
112 22 30, 2005, the following amount, or so much thereof as is
112 23 necessary, to be used for the purpose designated:

112 24 For building community capacity through the coordination
112 25 and provision of training opportunities in accordance with the
112 26 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
112 27 Iowa, July 14, 1994):

112 28 \$ 42,623

112 29 Sec. 116. MENTAL HEALTH INSTITUTES. There is appropriated
112 30 from the general fund of the state to the department of human
112 31 services for the fiscal year beginning July 1, 2004, and
112 32 ending June 30, 2005, the following amounts, or so much
112 33 thereof as is necessary, to be used for the purposes
112 34 designated:

112 35 1. For the state mental health institute at Cherokee for
113 1 salaries, support, maintenance, and miscellaneous purposes and
113 2 for not more than the following full-time equivalent
113 3 positions:

113 4 \$ 12,927,556

113 5 FTEs 227.65

113 6 2. For the state mental health institute at Clarinda for
113 7 salaries, support, maintenance, and miscellaneous purposes and
113 8 for not more than the following full-time equivalent
113 9 positions:

113 10 \$ 7,410,346

113 11 FTEs 113.15

113 12 3. For the state mental health institute at Independence
113 13 for salaries, support, maintenance, and miscellaneous purposes
113 14 and for not more than the following full-time equivalent
113 15 positions:

113 16 \$ 17,239,768

113 17 FTEs 317.80

113 18 The state mental health institute at Independence shall
113 19 continue the 30 psychiatric medical institution for children
113 20 (PMIC) beds authorized in section 135H.6, in a manner which
113 21 results in no net state expenditure amount in excess of the
113 22 amount appropriated in this subsection. Counties are not
113 23 responsible for the costs of PMIC services described in this
113 24 subsection. Subject to the approval of the department, with

113 25 the exception of revenues required under section 249A.11 to be
113 26 credited to the appropriation in this division of this Act for
113 27 medical assistance, revenues attributable to the PMIC beds
113 28 described in this subsection for the fiscal year beginning
113 29 July 1, 2004, and ending June 30, 2005, shall be deposited in
113 30 the institute's account, including but not limited to any of
113 31 the following revenues:

113 32 a. The federal share of medical assistance revenue
113 33 received under chapter 249A.

113 34 b. Moneys received through client participation.

113 35 c. Any other revenues directly attributable to the PMIC
114 1 beds.

114 2 4. For the state mental health institute at Mount Pleasant
114 3 for salaries, support, maintenance, and miscellaneous purposes
114 4 and for not more than the following full-time equivalent
114 5 positions:

114 6 \$ 6,109,205
114 7 FTEs 100.44

114 8 a. Funding is provided in this subsection for the state
114 9 mental health institute at Mount Pleasant to continue the dual
114 10 diagnosis mental health and substance abuse program on a net
114 11 budgeting basis in which 50 percent of the actual per diem and
114 12 ancillary services costs are chargeable to the patient's
114 13 county of legal settlement or as a state case, as appropriate.
114 14 Subject to the approval of the department, revenues
114 15 attributable to the dual diagnosis program for the fiscal year
114 16 beginning July 1, 2004, and ending June 30, 2005, shall be
114 17 deposited in the institute's account, including but not
114 18 limited to all of the following revenues:

114 19 (1) Moneys received by the state from billings to counties
114 20 under section 230.20.

114 21 (2) Moneys received from billings to the Medicare program.

114 22 (3) Moneys received from a managed care contractor
114 23 providing services under contract with the department or any
114 24 private third-party payor.

114 25 (4) Moneys received through client participation.

114 26 (5) Any other revenues directly attributable to the dual
114 27 diagnosis program.

114 28 b. The following additional provisions are applicable in
114 29 regard to the dual diagnosis program:

114 30 (1) A county may split the charges between the county's
114 31 mental health, mental retardation, and developmental
114 32 disabilities services fund and the county's budget for
114 33 substance abuse expenditures.

114 34 (2) If an individual is committed to the custody of the
114 35 department of corrections at the time the individual is
115 1 referred for dual diagnosis treatment, the department of
115 2 corrections shall be charged for the costs of treatment.

115 3 (3) Prior to an individual's admission for dual diagnosis
115 4 treatment, the individual shall have been screened through a
115 5 county's single entry point process to determine the
115 6 appropriateness of the treatment.

115 7 (4) A county shall not be chargeable for the costs of
115 8 treatment for an individual enrolled in and authorized by or
115 9 decertified by a managed behavioral care plan under the
115 10 medical assistance program.

115 11 (5) Notwithstanding section 8.33, state mental health
115 12 institute revenues related to the dual diagnosis program that
115 13 remain unencumbered or unobligated at the close of the fiscal
115 14 year shall not revert but shall remain available up to the
115 15 amount which would allow the state mental health institute to
115 16 meet credit obligations owed to counties as a result of year=
115 17 end per diem adjustments for the dual diagnosis program.

115 18 5. Within the funds appropriated in this section, the
115 19 department may transfer funds as necessary to best fulfill the
115 20 needs of the institutes provided for in the appropriation.

115 21 6. As part of the discharge planning process at the state
115 22 mental health institutes, the department shall provide
115 23 assistance in obtaining eligibility for federal supplemental
115 24 security income (SSI) to those individuals whose care at a
115 25 state mental health institute is the financial responsibility
115 26 of the state or a county.

115 27 Sec. 117. STATE RESOURCE CENTERS. There is appropriated
115 28 from the general fund of the state to the department of human
115 29 services for the fiscal year beginning July 1, 2004, and
115 30 ending June 30, 2005, the following amounts, or so much
115 31 thereof as is necessary, to be used for the purposes
115 32 designated:

115 33 1. For the state resource center at Glenwood for salaries,
115 34 support, maintenance, and miscellaneous purposes:

115 35 \$ 8,550,280

116 1 2. For the state resource center at Woodward for salaries,
116 2 support, maintenance, and miscellaneous purposes:
116 3 \$ 4,520,459
116 4 3. a. The department shall continue operating the state
116 5 resource centers at Glenwood and Woodward with a net general
116 6 fund appropriation. The amounts allocated in this section are
116 7 the net amounts of state moneys projected to be needed for the
116 8 state resource centers. The purposes of operating with a net
116 9 general fund appropriation are to encourage the state resource
116 10 centers to operate with increased self-sufficiency, to improve
116 11 quality and efficiency, and to support collaborative efforts
116 12 between the state resource centers and counties and other
116 13 funders of services available from the state resource centers.
116 14 The state resource centers shall not be operated under the net
116 15 appropriation in a manner which results in a cost increase to
116 16 the state or cost shifting between the state, the medical
116 17 assistance program, counties, or other sources of funding for
116 18 the state resource centers. Moneys appropriated in this
116 19 section may be used throughout the fiscal year in the manner
116 20 necessary for purposes of cash flow management, and for
116 21 purposes of cash flow management the state resource centers
116 22 may temporarily draw more than the amounts appropriated,
116 23 provided the amounts appropriated are not exceeded at the
116 24 close of the fiscal year.
116 25 b. Subject to the approval of the department, except for
116 26 revenues under section 249A.11, revenues attributable to the
116 27 state resource centers for the fiscal year beginning July 1,
116 28 2004, shall be deposited into each state resource center's
116 29 account, including but not limited to all of the following:
116 30 (1) Moneys received by the state from billings to counties
116 31 under section 222.73.
116 32 (2) The federal share of medical assistance revenue
116 33 received under chapter 249A.
116 34 (3) Federal Medicare program payments.
116 35 (4) Moneys received from client financial participation.
117 1 (5) Other revenues generated from current, new, or
117 2 expanded services which the state resource center is
117 3 authorized to provide.
117 4 c. For the purposes of allocating the salary adjustment
117 5 fund moneys appropriated in another division of this Act or
117 6 another Act, the state resource centers shall be considered to
117 7 be funded entirely with state moneys.
117 8 d. Notwithstanding section 8.33, up to \$500,000 of a state
117 9 resource center's revenues that remain unencumbered or
117 10 unobligated at the close of the fiscal year shall not revert
117 11 but shall remain available to be used in the succeeding fiscal
117 12 year.
117 13 4. Within the funds appropriated in this section, the
117 14 department may transfer funds as necessary to best fulfill the
117 15 needs of the institutions provided for in the appropriation.
117 16 5. The department may continue to bill for state resource
117 17 center services utilizing a scope of services approach used
117 18 for private providers of ICFMR services, in a manner which
117 19 does not shift costs between the medical assistance program,
117 20 counties, or other sources of funding for the state resource
117 21 centers.
117 22 6. The state resource centers may expand the time limited
117 23 assessment and respite services during the fiscal year.
117 24 7. If the department's administration and the department
117 25 of management concur with a finding by a state resource
117 26 center's superintendent that projected revenues can reasonably
117 27 be expected to pay the salary and support costs for a new
117 28 employee position, or that such costs for adding a particular
117 29 number of new positions for the fiscal year would be less than
117 30 the overtime costs if new positions would not be added, the
117 31 superintendent may add the new position or positions. If the
117 32 vacant positions available to a resource center do not include
117 33 the position classification desired to be filled, the state
117 34 resource center's superintendent may reclassify any vacant
117 35 position as necessary to fill the desired position. The
118 1 superintendents of the state resource centers may, by mutual
118 2 agreement, pool vacant positions and position classifications
118 3 during the course of the fiscal year in order to assist one
118 4 another in filling necessary positions.
118 5 8. If existing capacity limitations are reached in
118 6 operating units, a waiting list is in effect for a service or
118 7 a special need for which a payment source or other funding is
118 8 available for the service or to address the special need, and
118 9 facilities for the service or to address the special need can
118 10 be provided within the available payment source or other
118 11 funding, the superintendent of a state resource center may

118 12 authorize opening not more than two units or other facilities
118 13 and to begin implementing the service or addressing the
118 14 special need during fiscal year 2004=2005.
118 15 Sec. 118. MI/MR/DD STATE CASES. There is appropriated
118 16 from the general fund of the state to the department of human
118 17 services for the fiscal year beginning July 1, 2004, and
118 18 ending June 30, 2005, the following amount, or so much thereof
118 19 as is necessary, to be used for the purpose designated:
118 20 For purchase of local services for persons with mental
118 21 illness, mental retardation, and developmental disabilities
118 22 where the client has no established county of legal
118 23 settlement:
118 24 \$ 11,014,619
118 25 The general assembly encourages the department to continue
118 26 discussions with the Iowa state association of counties and
118 27 administrators of county central point of coordination offices
118 28 regarding proposals for moving state cases to county budgets.
118 29 Sec. 119. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
118 30 COMMUNITY SERVICES FUND. There is appropriated from the
118 31 general fund of the state to the mental health and
118 32 developmental disabilities community services fund created in
118 33 section 225C.7 for the fiscal year beginning July 1, 2004, and
118 34 ending June 30, 2005, the following amount, or so much thereof
118 35 as is necessary, to be used for the purpose designated:
119 1 For mental health and developmental disabilities community
119 2 services in accordance with this division of this Act:
119 3 \$ 17,757,890
119 4 1. Of the funds appropriated in this section, \$17,727,890
119 5 shall be allocated to counties for funding of community-based
119 6 mental health and developmental disabilities services. The
119 7 moneys shall be allocated to a county as follows:
119 8 a. Fifty percent based upon the county's proportion of the
119 9 state's population of persons with an annual income which is
119 10 equal to or less than the poverty guideline established by the
119 11 federal office of management and budget.
119 12 b. Fifty percent based upon the county's proportion of the
119 13 state's general population.
119 14 2. a. A county shall utilize the funding the county
119 15 receives pursuant to subsection 1 for services provided to
119 16 persons with a disability, as defined in section 225C.2.
119 17 However, no more than 50 percent of the funding shall be used
119 18 for services provided to any one of the service populations.
119 19 b. A county shall use at least 50 percent of the funding
119 20 the county receives under subsection 1 for contemporary
119 21 services provided to persons with a disability, as described
119 22 in rules adopted by the department.
119 23 3. Of the funds appropriated in this section, \$30,000
119 24 shall be used to support the Iowa compass program providing
119 25 computerized information and referral services for Iowans with
119 26 disabilities and their families.
119 27 4. a. Funding appropriated for purposes of the federal
119 28 social services block grant is allocated for distribution to
119 29 counties for local purchase of services for persons with
119 30 mental illness or mental retardation or other developmental
119 31 disability.
119 32 b. The funds allocated in this subsection shall be
119 33 expended by counties in accordance with the county's approved
119 34 county management plan. A county without an approved county
119 35 management plan shall not receive allocated funds until the
120 1 county's management plan is approved.
120 2 c. The funds provided by this subsection shall be
120 3 allocated to each county as follows:
120 4 (1) Fifty percent based upon the county's proportion of
120 5 the state's population of persons with an annual income which
120 6 is equal to or less than the poverty guideline established by
120 7 the federal office of management and budget.
120 8 (2) Fifty percent based upon the amount provided to the
120 9 county for local purchase of services in the preceding fiscal
120 10 year.
120 11 5. A county is eligible for funds under this section if
120 12 the county qualifies for a state payment as described in
120 13 section 331.439.
120 14 Sec. 120. PERSONAL ASSISTANCE. There is appropriated from
120 15 the general fund of the state to the department of human
120 16 services for the fiscal year beginning July 1, 2004, and
120 17 ending June 30, 2005, the following amount, or so much thereof
120 18 as is necessary, to be used for the purpose designated:
120 19 For continuation of a pilot project for the personal
120 20 assistance services program in accordance with this section:
120 21 \$ 205,748
120 22 1. The funds appropriated in this section shall be used to

120 23 continue the pilot project for the personal assistance
120 24 services program under section 225C.46 in an urban and a rural
120 25 area. Not more than 10 percent of the amount appropriated
120 26 shall be used for administrative costs. The pilot project
120 27 shall not be implemented in a manner which would require
120 28 additional county or state costs for assistance provided to an
120 29 individual served under the pilot project.

120 30 2. In accordance with 2001 Iowa Acts, chapter 191, section
120 31 25, subsection 2, new applicants shall not be accepted into
120 32 the pilot project. An individual receiving services under the
120 33 pilot project as of June 30, 2004, shall continue receiving
120 34 services until the individual voluntarily leaves the project
120 35 or until another program with similar services exists.

121 1 Sec. 121. SEXUALLY VIOLENT PREDATORS.

121 2 1. There is appropriated from the general fund of the
121 3 state to the department of human services for the fiscal year
121 4 beginning July 1, 2004, and ending June 30, 2005, the
121 5 following amount, or so much thereof as is necessary, to be
121 6 used for the purpose designated:

121 7 For costs associated with the commitment and treatment of
121 8 sexually violent predators in the unit located at the state
121 9 mental health institute at Cherokee, including costs of legal
121 10 services and other associated costs, including salaries,
121 11 support, maintenance, and miscellaneous purposes and for not
121 12 more than the following full-time equivalent positions:
121 13 \$ 2,833,646
121 14 FTEs 50.00

121 15 2. Unless specifically prohibited by law, if the amount
121 16 charged provides for recoupment of at least the entire amount
121 17 of direct and indirect costs, the department of human services
121 18 may contract with other states to provide care and treatment
121 19 of persons placed by the other states at the unit for sexually
121 20 violent predators at Cherokee. The moneys received under such
121 21 a contract shall be considered to be repayment receipts and
121 22 used for the purposes of the appropriation made in this
121 23 section.

121 24 Sec. 122. FIELD OPERATIONS. There is appropriated from
121 25 the general fund of the state to the department of human
121 26 services for the fiscal year beginning July 1, 2004, and
121 27 ending June 30, 2005, the following amount, or so much thereof
121 28 as is necessary, to be used for the purposes designated:

121 29 1. For field operations, including salaries, support,
121 30 maintenance, and miscellaneous purposes and for not more than
121 31 the following full-time equivalent positions:
121 32 \$ 53,097,364
121 33 FTEs 1,844.49

121 34 Priority in filling full-time equivalent positions shall be
121 35 given to those positions related to child protection services.

122 1 2. In operating the service area system established
122 2 pursuant to 2001 Iowa Acts, Second Extraordinary Session,
122 3 chapter 4, for the fiscal year beginning July 1, 2004, and
122 4 ending June 30, 2005, the department shall utilize the service
122 5 areas and service area administrators in lieu of regions and
122 6 regional administrators, notwithstanding the references to
122 7 department regions or regional administrators in sections
122 8 232.2, 232.52, 232.68, 232.72, 232.102, 232.117, 232.127,
122 9 232.143, 232.188, and 234.35, or other provision in law. The
122 10 department shall submit proposed legislation under section
122 11 2.16 for consideration by the Eighty-first General Assembly,
122 12 2005 Session, to correct the references in the necessary Code
122 13 sections.

122 14 Sec. 123. GENERAL ADMINISTRATION. There is appropriated
122 15 from the general fund of the state to the department of human
122 16 services for the fiscal year beginning July 1, 2004, and
122 17 ending June 30, 2005, the following amount, or so much thereof
122 18 as is necessary, to be used for the purpose designated:

122 19 For general administration, including salaries, support,
122 20 maintenance, and miscellaneous purposes and for not more than
122 21 the following full-time equivalent positions:
122 22 \$ 11,089,434
122 23 FTEs 292.00

122 24 Of the funds appropriated in this section, \$57,000 is
122 25 allocated for the prevention of disabilities policy council
122 26 established in section 225B.3.

122 27 Sec. 124. VOLUNTEERS. There is appropriated from the
122 28 general fund of the state to the department of human services
122 29 for the fiscal year beginning July 1, 2004, and ending June
122 30 30, 2005, the following amount, or so much thereof as is
122 31 necessary, to be used for the purpose designated:

122 32 For development and coordination of volunteer services:
122 33 \$ 109,568

122 34 Sec. 125. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
122 35 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
123 1 DEPARTMENT OF HUMAN SERVICES.

123 2 1. a. (1) For the fiscal year beginning July 1, 2004,
123 3 nursing facilities shall be reimbursed at 100 percent of the
123 4 modified price-based case-mix reimbursement rate. Nursing
123 5 facilities reimbursed under the medical assistance program
123 6 shall submit annual cost reports and additional documentation
123 7 as required by rules adopted by the department.

123 8 (2) For the fiscal year beginning July 1, 2004, the total
123 9 state funding amount for the nursing facility budget shall not
123 10 exceed \$156,013,248. For the fiscal year beginning July 1,
123 11 2004, and ending June 30, 2005, nursing facilities reimbursed
123 12 under the case-mix reimbursement system shall have their
123 13 allowable cost calculations adjusted by applying the most
123 14 recently published HCFA/SNF index. For the purpose of this
123 15 subparagraph, the HCFA/SNF index means the HCFA total skilled
123 16 nursing facility market basket index published by data
123 17 resources, inc. The department, in cooperation with nursing
123 18 facility representatives, shall review projections for state
123 19 funding expenditures for reimbursement of nursing facilities
123 20 on a quarterly basis and the department shall determine if an
123 21 adjustment to the medical assistance reimbursement rate is
123 22 necessary in order to provide reimbursement within the state
123 23 funding amount. Any temporary enhanced federal financial
123 24 participation that may become available to the Iowa medical
123 25 assistance program during the fiscal year shall not be used in
123 26 projecting the nursing facility budget. Notwithstanding 2001
123 27 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
123 28 "c", and subsection 3, paragraph "a", subparagraph (2), if the
123 29 state funding expenditures for the nursing facility budget for
123 30 the fiscal year beginning July 1, 2004, is projected to exceed
123 31 the amount specified in this subparagraph, the department
123 32 shall adjust the inflation factor of the reimbursement rate
123 33 calculation for only the nursing facilities reimbursed under
123 34 the case-mix reimbursement system to maintain expenditures of
123 35 the nursing facility budget within the specified amount.

124 1 b. For the fiscal year beginning July 1, 2004, the
124 2 department shall reimburse pharmacy dispensing fees using a
124 3 single rate of \$4.26 per prescription, or the pharmacy's usual
124 4 and customary fee, whichever is lower.

124 5 c. For the fiscal year beginning July 1, 2004,
124 6 reimbursement rates for inpatient and outpatient hospital
124 7 services shall remain at the rates in effect on June 30, 2004.
124 8 The department shall continue the outpatient hospital
124 9 reimbursement system based upon ambulatory patient groups
124 10 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
124 11 25, subsection 1, paragraph "f". In addition, the department
124 12 shall continue the revised medical assistance payment policy
124 13 implemented pursuant to that paragraph to provide
124 14 reimbursement for costs of screening and treatment provided in
124 15 the hospital emergency room if made pursuant to the
124 16 prospective payment methodology developed by the department
124 17 for the payment of outpatient services provided under the
124 18 medical assistance program. Any rebasing of hospital
124 19 inpatient or outpatient rates shall not increase total
124 20 payments for inpatient and outpatient services.

124 21 d. For the fiscal year beginning July 1, 2004,
124 22 reimbursement rates for rural health clinics, hospices,
124 23 independent laboratories, and acute mental hospitals shall be
124 24 increased in accordance with increases under the federal
124 25 Medicare program or as supported by their Medicare audited
124 26 costs.

124 27 e. (1) For the fiscal year beginning July 1, 2004,
124 28 reimbursement rates for home health agencies shall remain at
124 29 the rates in effect on June 30, 2004.

124 30 (2) Notwithstanding 2003 Iowa Acts, chapter 112, section
124 31 7, subsection 7, the department shall establish a fixed-fee
124 32 reimbursement schedule for home health agencies under the
124 33 medical assistance program beginning July 1, 2005. The
124 34 department shall submit a status report regarding the
124 35 development of the fixed-fee schedule to the fiscal committee
125 1 of the legislative council no later than September 1, 2004.

125 2 f. For the fiscal year beginning July 1, 2004, federally
125 3 qualified health centers shall receive cost-based
125 4 reimbursement for 100 percent of the reasonable costs for the
125 5 provision of services to recipients of medical assistance.

125 6 g. Beginning July 1, 2004, the reimbursement rates for
125 7 dental services shall remain at the rates in effect on June
125 8 30, 2004.

125 9 h. Beginning July 1, 2004, the reimbursement rates for

125 10 community mental health centers shall remain at the rates in
125 11 effect on June 30, 2004.

125 12 i. For the fiscal year beginning July 1, 2004, the maximum
125 13 reimbursement rate for psychiatric medical institutions for
125 14 children shall remain at the rate in effect on June 30, 2004,
125 15 based on per day rates for actual costs.

125 16 j. For the fiscal year beginning July 1, 2004, unless
125 17 otherwise specified in this Act, all noninstitutional medical
125 18 assistance provider reimbursement rates shall remain at the
125 19 rates in effect on June 30, 2004, except for area education
125 20 agencies, local education agencies, infant and toddler
125 21 services providers, and those providers whose rates are
125 22 required to be determined pursuant to section 249A.20.

125 23 k. Notwithstanding section 249A.20, the average
125 24 reimbursement rates for health care providers eligible for use
125 25 of the federal Medicare resource-based relative value scale
125 26 reimbursement methodology under that section shall remain at
125 27 the rate in effect on June 30, 2004; however, this rate shall
125 28 not exceed the maximum level authorized by the federal
125 29 government.

125 30 2. For the fiscal year beginning July 1, 2004, the
125 31 reimbursement rate for residential care facilities shall not
125 32 be less than the minimum payment level as established by the
125 33 federal government to meet the federally mandated maintenance
125 34 of effort requirement. The flat reimbursement rate for
125 35 facilities electing not to file semiannual cost reports shall
126 1 not be less than the minimum payment level as established by
126 2 the federal government to meet the federally mandated
126 3 maintenance of effort requirement.

126 4 3. For the fiscal year beginning July 1, 2004, the
126 5 reimbursement rate for providers reimbursed under the in-home=
126 6 related care program shall not be less than the minimum
126 7 payment level as established by the federal government to meet
126 8 the federally mandated maintenance of effort requirement.

126 9 4. Unless otherwise directed in this section, when the
126 10 department's reimbursement methodology for any provider
126 11 reimbursed in accordance with this section includes an
126 12 inflation factor, this factor shall not exceed the amount by
126 13 which the consumer price index for all urban consumers
126 14 increased during the calendar year ending December 31, 2002.

126 15 5. Notwithstanding section 234.38, in the fiscal year
126 16 beginning July 1, 2004, the foster family basic daily
126 17 maintenance rate and the maximum adoption subsidy rate for
126 18 children ages 0 through 5 years shall be \$14.28, the rate for
126 19 children ages 6 through 11 years shall be \$15.07, the rate for
126 20 children ages 12 through 15 years shall be \$16.83, and the
126 21 rate for children ages 16 and older shall be \$16.83.

126 22 6. For the fiscal year beginning July 1, 2004, the maximum
126 23 reimbursement rates for social service providers shall remain
126 24 at the rates in effect on June 30, 2004. However, the rates
126 25 may be adjusted under any of the following circumstances:

126 26 a. If a new service was added after June 30, 2004, the
126 27 initial reimbursement rate for the service shall be based upon
126 28 actual and allowable costs.

126 29 b. If a social service provider loses a source of income
126 30 used to determine the reimbursement rate for the provider, the
126 31 provider's reimbursement rate may be adjusted to reflect the
126 32 loss of income, provided that the lost income was used to
126 33 support actual and allowable costs of a service purchased
126 34 under a purchase of service contract.

126 35 7. The group foster care reimbursement rates paid for
127 1 placement of children out of state shall be calculated
127 2 according to the same rate-setting principles as those used
127 3 for in-state providers unless the director of human services
127 4 or the director's designee determines that appropriate care
127 5 cannot be provided within the state. The payment of the daily
127 6 rate shall be based on the number of days in the calendar
127 7 month in which service is provided.

127 8 8. For the fiscal year beginning July 1, 2004, the
127 9 reimbursement rates for rehabilitative treatment and support
127 10 services providers shall remain at the rates in effect on June
127 11 30, 2004.

127 12 9. For the fiscal year beginning July 1, 2004, the
127 13 combined service and maintenance components of the
127 14 reimbursement rate paid for shelter care services purchased
127 15 under a contract shall be based on the financial and
127 16 statistical report submitted to the department. The maximum
127 17 reimbursement rate shall be \$83.69 per day. The department
127 18 shall reimburse a shelter care provider at the provider's
127 19 actual and allowable unit cost, plus inflation, not to exceed
127 20 the maximum reimbursement rate.

127 21 10. For the fiscal year beginning July 1, 2004, the
127 22 department shall calculate reimbursement rates for
127 23 intermediate care facilities for persons with mental
127 24 retardation at the 80th percentile.

127 25 11. For the fiscal year beginning July 1, 2004, for child
127 26 care providers, the department shall set provider
127 27 reimbursement rates based on the rate reimbursement survey
127 28 completed in December 1998. The department shall set rates in
127 29 a manner so as to provide incentives for a nonregistered
127 30 provider to become registered.

127 31 12. For the fiscal year beginning July 1, 2004,
127 32 reimbursements for providers reimbursed by the department of
127 33 human services may be modified if appropriated funding is
127 34 allocated for that purpose from the senior living trust fund
127 35 created in section 249H.4, or as specified in appropriations
128 1 from the healthy Iowans tobacco trust created in section
128 2 12.65.

128 3 13. The department may adopt emergency rules to implement
128 4 this section.

128 5 Sec. 126. TRANSFER AUTHORITY. Subject to the provisions
128 6 of section 8.39, for the fiscal year beginning July 1, 2004,
128 7 if necessary to meet federal maintenance of effort
128 8 requirements or to transfer federal temporary assistance for
128 9 needy families block grant funding to be used for purposes of
128 10 the federal social services block grant or to meet cash flow
128 11 needs resulting from delays in receiving federal funding or to
128 12 implement, in accordance with this division of this Act,
128 13 targeted case management for child protection and for
128 14 activities currently funded with juvenile court services,
128 15 county, or community moneys and state moneys used in
128 16 combination with such moneys, the department of human services
128 17 may transfer within or between any of the appropriations made
128 18 in this division of this Act and appropriations in law for the
128 19 federal social services block grant to the department for the
128 20 following purposes, provided that the combined amount of state
128 21 and federal temporary assistance for needy families block
128 22 grant funding for each appropriation remains the same before
128 23 and after the transfer:

- 128 24 1. For the family investment program.
- 128 25 2. For child care assistance.
- 128 26 3. For child and family services.
- 128 27 4. For field operations.
- 128 28 5. For general administration.
- 128 29 6. MH/MR/DD/BI community services (local purchase).

128 30 This section shall not be construed to prohibit existing
128 31 state transfer authority for other purposes.

128 32 Sec. 127. FRAUD AND RECOUPMENT ACTIVITIES. During the
128 33 fiscal year beginning July 1, 2004, notwithstanding the
128 34 restrictions in section 239B.14, recovered moneys generated
128 35 through fraud and recoupment activities are appropriated to
129 1 the department of human services to be used for additional
129 2 fraud and recoupment activities performed by the department of
129 3 human services or the department of inspections and appeals,
129 4 and the department of human services may add not more than
129 5 five full-time equivalent positions, in addition to those
129 6 funded in this division of this Act, subject to both of the
129 7 following conditions:

129 8 1. The director of human services determines that the
129 9 investment can reasonably be expected to increase recovery of
129 10 assistance paid in error, due to fraudulent or nonfraudulent
129 11 actions, in excess of the amount recovered in the fiscal year
129 12 beginning July 1, 1997.

129 13 2. The amount expended for the additional fraud and
129 14 recoupment activities shall not exceed the amount of the
129 15 projected increase in assistance recovered.

129 16 Sec. 128. MEDICAL ASSISTANCE PROGRAM == NONREVERSION FOR
129 17 FY 2003=2004. Notwithstanding section 8.33, if moneys
129 18 appropriated in 2003 Iowa Acts, chapter 175, for the medical
129 19 assistance program from the general fund of the state, the
129 20 senior living trust fund, or the hospital trust fund, or in
129 21 2003 Iowa Acts, chapter 183, from the healthy Iowans tobacco
129 22 trust are in excess of actual expenditures for the medical
129 23 assistance program and remain unencumbered or unobligated at
129 24 the close of the fiscal year, the excess moneys shall not
129 25 revert, and notwithstanding any provision of law to the
129 26 contrary, shall not be transferred to any other appropriation
129 27 but shall remain available for expenditure for the purpose
129 28 designated until the close of the succeeding fiscal year. Of
129 29 the amount remaining available, the department of human
129 30 services may use up to \$2,300,000 to draw down the maximum
129 31 amount of disproportionate share hospital reimbursement under

129 32 the medical assistance program as provided in the federal
129 33 Prescription Drug and Medicare Improvement Act of 2003. Any
129 34 amounts received shall be distributed in accordance with the
129 35 regular disproportionate share hospital program paid out of
130 1 the graduate medical education and disproportionate share
130 2 fund.

130 3 Sec. 129. EMERGENCY RULES. If specifically authorized by
130 4 a provision of this division of this Act, the department of
130 5 human services or the mental health and developmental
130 6 disabilities commission may adopt administrative rules under
130 7 section 17A.4, subsection 2, and section 17A.5, subsection 2,
130 8 paragraph "b", to implement the provisions and the rules shall
130 9 become effective immediately upon filing or on a later
130 10 effective date specified in the rules, unless the effective
130 11 date is delayed by the administrative rules review committee.
130 12 Any rules adopted in accordance with this section shall not
130 13 take effect before the rules are reviewed by the
130 14 administrative rules review committee. The delay authority
130 15 provided to the administrative rules review committee under
130 16 section 17A.4, subsection 5, and section 17A.8, subsection 9,
130 17 shall be applicable to a delay imposed under this section,
130 18 notwithstanding a provision in those sections making them
130 19 inapplicable to section 17A.5, subsection 2, paragraph "b".
130 20 Any rules adopted in accordance with the provisions of this
130 21 section shall also be published as notice of intended action
130 22 as provided in section 17A.4.

130 23 Sec. 130. REPORTS.

130 24 1. Any reports or information required to be compiled and
130 25 submitted under this division of this Act shall be submitted
130 26 to the chairpersons and ranking members of the joint
130 27 appropriations subcommittee on health and human services, the
130 28 legislative services agency, and the legislative caucus staffs
130 29 on or before the dates specified for submission of the reports
130 30 or information.

130 31 2. In order to reduce mailing and paper processing costs,
130 32 the department shall provide, to the extent feasible, reports,
130 33 notices, minutes, and other documents by electronic means to
130 34 those persons who have the capacity to access the documents in
130 35 that manner.

131 1 Sec. 131. LAW INAPPLICABLE FOR FISCAL YEAR 2004=2005.

131 2 1. The following provisions in Code or rule shall be
131 3 suspended for the period beginning July 1, 2004, and ending
131 4 June 30, 2005:

131 5 a. The requirements of section 239B.2A, relating to school
131 6 attendance by children participating in the family investment
131 7 program.

131 8 b. For a case permanency plan, as defined in section
131 9 232.2, the requirement for a six-month case permanency plan
131 10 review for an intact family.

131 11 2. The department may adopt emergency rules to implement
131 12 the provisions of this section.

131 13 Sec. 132. NEW SECTION. 217.14 REFUGEE SERVICES

131 14 FOUNDATION.

131 15 1. The department of human services shall cause a refugee
131 16 services foundation to be created for the sole purpose of
131 17 engaging in refugee resettlement activities to promote the
131 18 welfare and self-sufficiency of refugees who live in Iowa and
131 19 who are not citizens of the United States. The foundation may
131 20 establish an endowment fund to assist in the financing of its
131 21 activities. The foundation shall be incorporated under
131 22 chapter 504A.

131 23 2. The foundation shall be created in a manner so that
131 24 donations and bequests to the foundation qualify as tax
131 25 deductible under federal and state income tax laws. The
131 26 foundation is not a state agency and shall not exercise
131 27 sovereign power of the state. The state is not liable for any
131 28 debts of the foundation.

131 29 3. The refugee services foundation shall have a board of
131 30 directors of five members. One member shall be appointed by
131 31 the governor and four members shall be appointed by the
131 32 director of human services. Members of the board shall serve
131 33 three-year terms beginning on July 1, and ending on June 30.
131 34 A vacancy on the board shall be filled in the same manner as
131 35 the original appointment for the remainder of the term. Not
132 1 more than two members appointed by the director of human
132 2 services shall be of the same gender or of the same political
132 3 party.

132 4 4. The refugee services foundation may accept and
132 5 administer trusts deemed by the board to be beneficial.
132 6 Notwithstanding section 633.63, the foundation may act as
132 7 trustee of such a trust.

132 8 Sec. 133. NEW SECTION. 217.45 FAITH=BASED AND COMMUNITY=
132 9 BASED ORGANIZATIONS NETWORK.

132 10 1. A statewide, nonprofit agency that receives a subgrant
132 11 to assist faith=based and community=based organizations to
132 12 develop coalitions and partnerships shall be designated as the
132 13 central office for faith=based and community=based
132 14 initiatives.

132 15 2. The department shall designate one department employee
132 16 in each of the service areas to act as a liaison to faith=
132 17 based and community=based organizations in the service area.

132 18 3. The primary functions of a liaison for a service area
132 19 under this section are as follows:

132 20 a. To communicate with faith=based and community=based
132 21 organizations regarding the need for private community
132 22 services to benefit persons in need of assistance who would
132 23 otherwise require financial or other assistance under public
132 24 programs administered by state or local government.

132 25 b. To promote the involvement of faith=based and
132 26 community=based organizations in working to meet community
132 27 needs for assistance.

132 28 c. To coordinate efforts to promote involvement of faith=
132 29 based and community=based organizations in providing community
132 30 services with efforts similar to those of state agencies.

132 31 d. To promote cooperation and coordination among public
132 32 agencies and faith=based and community=based organizations.

132 33 e. To provide technical assistance to faith=based and
132 34 community=based organizations in writing grant applications,
132 35 training, mentoring, financial management, and obtaining not=
133 1 for=profit designations.

133 2 4. The department shall submit a report annually by
133 3 January 15 to the governor and the general assembly regarding
133 4 the activities of the faith=based and community=based
133 5 organizations network provided for in this section.

133 6 Sec. 134. NEW SECTION. 249A.34 MEDICAL ASSISTANCE MENTAL
133 7 HEALTH QUALITY OF CARE IMPROVEMENT COMMITTEE.

133 8 1. The department shall establish a medical assistance
133 9 mental health quality of care improvement committee to improve
133 10 medical assistance patient access to appropriate mental health
133 11 care and to make recommendations for cost saving mechanisms
133 12 for the delivery of mental health services under the medical
133 13 assistance program. The committee membership shall include
133 14 members of the public representing mental health advocates,
133 15 mental health care consumers, and mental health care
133 16 providers, including providers in private psychiatric
133 17 practice, as well as geriatric psychiatry, institutional
133 18 psychiatry, and child psychiatry disciplines. The membership
133 19 shall also include a designee of each of the following: the
133 20 medical assistance pharmaceutical and therapeutics committee
133 21 created pursuant to section 249A.20A, the university of Iowa
133 22 hospitals and clinics department of psychiatry, the Iowa
133 23 medical assistance drug utilization review commission created
133 24 in section 249A.24, the director of public health, and the
133 25 director of human services.

133 26 2. The medical assistance mental health quality of care
133 27 improvement committee shall advise the department in the
133 28 implementation of all of the following:

133 29 a. Clinical treatment algorithms for schizophrenia, major
133 30 depressive disorder, and bipolar disorder. The algorithms
133 31 shall be utilized in lieu of policies restricting access to
133 32 care and medication and shall not be subject to prior
133 33 authorization requirements or medication preferences.

133 34 b. A mental health polypharmacy review process, including
133 35 but not limited to data collection and analysis and medical
134 1 service provider education.

134 2 3. The medical assistance mental health quality of care
134 3 improvement committee shall, on an ongoing basis, review and
134 4 recommend other mechanisms to promote medical assistance
134 5 patient access to improved quality of care and the use of
134 6 other cost saving mechanisms, including but not limited to
134 7 implementing disease management programs for mental health
134 8 disorders, expanding assertive community treatment programs,
134 9 improving methods for gathering and analyzing data regarding
134 10 the delivery of mental health care, and implementing other
134 11 effective treatment programs.

134 12 4. This section is repealed July 1, 2007.

134 13 Sec. 135. NEW SECTION. 505.25 INFORMATION PROVIDED TO
134 14 MEDICAL ASSISTANCE PROGRAM.

134 15 A carrier, as defined in section 514C.13, shall enter into
134 16 a health insurance data match program with the department of
134 17 human services for the sole purpose of comparing the names of
134 18 the carrier's insureds with the names of recipients of the

134 19 medical assistance program.
134 20 Sec. 136. 2001 Iowa Acts, chapter 192, section 4,
134 21 subsection 3, paragraphs e and f, are amended to read as
134 22 follows:
134 23 e. The department shall calculate the rate ceiling for the
134 24 direct-care cost component at 120 percent of the median of
134 25 case-mix adjusted costs. Nursing facilities with case-mix
134 26 adjusted costs at 95 percent of the median or greater, shall
134 27 receive an amount equal to their costs not to exceed 120
134 28 percent of the median. Nursing facilities with case-mix
134 29 adjusted costs below 95 percent of the median shall receive an
134 30 excess payment allowance by having their payment rate for the
134 31 direct-care cost component calculated as their case-mix
134 32 adjusted cost plus 100 percent of the difference between 95
134 33 percent of the median and their case-mix adjusted cost, not to
134 34 exceed 10 percent of the median of case-mix adjusted costs.

134 35 Beginning July 1, 2004, nursing facilities with case-mix
135 1 adjusted costs below 95 percent of the median shall receive an
135 2 excess payment allowance by having their payment rate for the
135 3 direct-care cost component calculated as their case-mix
135 4 adjusted cost plus 50 percent of the difference between 95
135 5 percent of the median and their case-mix adjusted cost, not to
135 6 exceed 10 percent of the median of case-mix adjusted costs.
135 7 Any excess payment allowance realized from the direct care
135 8 cost component of the modified price-based case-mix
135 9 reimbursement shall be expended to increase the compensation
135 10 of direct care workers or to increase the ratio of direct care
135 11 workers to residents. The department of human services shall
135 12 implement a new monitoring and reporting system to assess
135 13 compliance with the provisions of this paragraph.

135 14 f. The department shall calculate the rate ceiling for the
135 15 nondirect care cost component at 110 percent of the median of
135 16 non-case-mix adjusted costs. Nursing facilities with non-
135 17 case-mix adjusted costs at 96 percent of the median or greater
135 18 shall receive an amount equal to their costs not to exceed 110
135 19 percent of the median. Nursing facilities with non-case-mix
135 20 adjusted costs below 96 percent of the median shall receive an
135 21 excess payment allowance that is their costs plus 65 percent
135 22 of the difference between 96 percent of the median and their
135 23 non-case-mix adjusted costs, not to exceed 8 percent of the
135 24 median of non-case-mix adjusted costs. Beginning July 1,
135 25 2004, nursing facilities with non-case-mix adjusted costs
135 26 below 96 percent of the median shall receive an excess payment
135 27 allowance that is their costs plus 32.5 percent of the
135 28 difference between 96 percent of the median and their non-
135 29 case-mix adjusted costs, not to exceed 8 percent of the median
135 30 of non-case-mix adjusted costs. Any excess payment allowance
135 31 realized from the nondirect care cost component of the
135 32 modified price-based case-mix reimbursement shall be used to
135 33 fund quality of life improvements. The department of human
135 34 services shall implement a new monitoring and reporting system
135 35 to assess compliance with the provisions of this paragraph.

136 1 Sec. 137. 2002 Iowa Acts, chapter 1174, section 4,
136 2 unnumbered paragraph 3, as amended by 2002 Iowa Acts, Second
136 3 Extraordinary Session, chapter 1003, section 244, is amended
136 4 to read as follows:

136 5 Notwithstanding section 8.33, moneys appropriated under
136 6 this section that are unobligated or unencumbered at the end
136 7 of the fiscal year beginning July 1, 2002, and ending June 30,
136 8 2003, shall not revert, but shall remain available for the
136 9 specific purposes designated in this section until June 30,
136 10 ~~2004~~ 2005.

136 11 Sec. 138. 2003 Iowa Acts, chapter 175, section 13,
136 12 subsection 2, as amended by 2003 Iowa Acts, 1st Extraordinary
136 13 Session, chapter 2, section 6, is amended to read as follows:

136 14 2. The department may either continue or reprocure the
136 15 contract existing on June 30, 2003, with the department's
136 16 fiscal agent. If the department initiates reprocurement of
136 17 the contract, of the amount appropriated in this Act for the
136 18 medical assistance program, up to \$500,000 may be used to
136 19 begin the implementation process.

136 20 Notwithstanding section 8.33, moneys appropriated in this
136 21 subsection that remain unencumbered or unobligated at the
136 22 close of the fiscal year shall not revert but shall remain
136 23 available for expenditure for the specific purposes designated
136 24 in this subsection until the close of the succeeding fiscal
136 25 year.

136 26 Sec. 139. 2003 Iowa Acts, chapter 175, section 9, is
136 27 amended by adding the following new subsection:

136 28 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
136 29 appropriated in this section that were allocated by the

136 30 department for the purpose of meeting federal food stamp
136 31 electronic benefit transfer requirements that remain
136 32 unencumbered or unobligated at the close of the fiscal year
136 33 shall not revert but shall remain available for expenditure
136 34 for the purpose designated until the close of the succeeding
136 35 fiscal year.

137 1 Sec. 140. 2003 Iowa Acts, chapter 175, section 18,
137 2 subsection 9, is amended to read as follows:

137 3 9. Notwithstanding section 234.35, subsection 1, for the
137 4 fiscal year beginning July 1, 2003, state funding for shelter
137 5 care paid pursuant to section 234.35, subsection 1, paragraph
137 6 "h", shall be limited to ~~\$6,922,509~~ \$10,122,509.

137 7 Sec. 141. 2003 Iowa Acts, chapter 175, section 56,
137 8 subsection 2, paragraph g, is amended to read as follows:

137 9 g. Notwithstanding section 8.33, up to ~~\$500,000~~ \$1,000,000
137 10 of the Iowa veterans home revenues that remain unencumbered or
137 11 unobligated at the close of the fiscal year shall not revert
137 12 but shall remain available to be used in the succeeding fiscal
137 13 year.

137 14 Sec. 142. 2003 Iowa Acts, chapter 178, section 45, is
137 15 amended by adding the following new unnumbered paragraph:

137 16 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
137 17 moneys appropriated in this section that remain unencumbered
137 18 or unobligated at the close of the fiscal year shall not
137 19 revert but shall remain available for expenditure for the
137 20 child and family services until the close of the succeeding
137 21 fiscal year.

137 22 Sec. 143. 2003 Iowa Acts, chapter 179, section 2,
137 23 subsection 2, paragraph b, is amended to read as follows:

137 24 b. ~~For deposit in the risk pool created in the property~~
~~tax relief fund and for distribution in accordance with~~
137 25 ~~section 426B.5, subsection 2~~ For medical assistance
137 26 reimbursement, in addition to other appropriations made for
137 27 purposes of the medical assistance program for the fiscal year
137 28 beginning July 1, 2004, and ending June 30, 2005:

137 29 \$ 2,000,000

137 30
137 31 Sec. 144. EFFECTIVE DATES. The following provisions of
137 32 this division of this Act, being deemed of immediate
137 33 importance, take effect upon enactment:

137 34 1. The provision under the appropriation for child and
137 35 family services, relating to requirements of section 232.143
138 1 for representatives of the department of human services and
138 2 juvenile court services to establish a plan for continuing
138 3 group foster care expenditures for the 2004-2005 fiscal year.

138 4 2. The provision under the appropriation for child and
138 5 family services, relating to the state court administrator
138 6 determining allocation of court-ordered services funding by
138 7 June 15, 2004.

138 8 3. The provision relating to nonreversion and prohibited
138 9 transfer of the appropriations for the medical assistance
138 10 program for the fiscal year beginning July 1, 2003, and ending
138 11 June 30, 2004.

138 12 4. The provisions in this division of this Act relating to
138 13 insurance carriers providing listings of insureds to the
138 14 department of human services including the provision creating
138 15 section 505.25.

138 16 5. The provision amending 2002 Iowa Acts, chapter 1174,
138 17 section 4, unnumbered paragraph 3, as amended by 2002 Iowa
138 18 Acts, Second Extraordinary Session, chapter 1003, section 244.

138 19 6. The provision amending 2003 Iowa Acts, chapter 175,
138 20 section 13, subsection 2, as amended by 2003 Iowa Acts, First
138 21 Extraordinary Session, chapter 2, section 6.

138 22 7. The provisions amending 2003 Iowa Acts, chapter 175,
138 23 section 9, section 18, subsection 9, and section 56.

138 24 8. The provision amending 2003 Iowa Acts, chapter 178,
138 25 section 45.

138 26 9. The provision amending 2003 Iowa Acts, chapter 179,
138 27 section 2, subsection 2, paragraph "b".

138 28 DIVISION VI

138 29 SENIOR LIVING AND HOSPITAL TRUST FUNDS

138 30 Sec. 145. DEPARTMENT OF ELDER AFFAIRS. There is
138 31 appropriated from the senior living trust fund created in
138 32 section 249H.4 to the department of elder affairs for the
138 33 fiscal year beginning July 1, 2004, and ending June 30, 2005,
138 34 the following amount, or so much thereof as is necessary, to
138 35 be used for the purpose designated:

139 1 For the development and implementation of a comprehensive
139 2 senior living program, including program administration and
139 3 costs associated with implementation, salaries, support,
139 4 maintenance, and miscellaneous purposes and for not more than
139 5 the following full-time equivalent positions:

139 6 \$ 8,222,118
139 7 FTEs 2.00

139 8 1. It is the intent of the general assembly that the
139 9 department not transfer moneys appropriated to the department
139 10 for purposes of the assisted living program and adult day care
139 11 for the fiscal year beginning July 1, 2004.

139 12 2. Notwithstanding section 249H.7, the department of elder
139 13 affairs shall distribute up to \$300,000 of the funds
139 14 appropriated in this section in a manner that will supplement
139 15 and maximize federal funds under the federal Older Americans
139 16 Act and shall not use the amount distributed for any
139 17 administrative purposes of either the department of elder
139 18 affairs or the area agencies on aging.

139 19 3. Of the moneys appropriated in this section, \$60,000
139 20 shall be used for the provision of training to resident
139 21 advocate committees for elder group homes, as defined in
139 22 section 231B.1, and licensed health care facilities as defined
139 23 in section 135C.1.

139 24 4. Of the moneys appropriated in this section, \$140,000
139 25 shall be used to provide two additional state long-term care
139 26 resident advocates.

139 27 5. Of the moneys appropriated in this section, \$500,000
139 28 shall be used to provide case management services to elders
139 29 who are not eligible for the medical assistance program.

139 30 Sec. 146. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
139 31 appropriated from the senior living trust fund created in
139 32 section 249H.4 to the department of inspections and appeals
139 33 for the fiscal year beginning July 1, 2004, and ending June
139 34 30, 2005, the following amount, or so much thereof as is
139 35 necessary, to be used for the purpose designated:

140 1 For the inspection and certification of assisted living
140 2 facilities and adult day care services, including program
140 3 administration and costs associated with implementation,
140 4 salaries, support, maintenance, and miscellaneous purposes and
140 5 for not more than the following full-time equivalent
140 6 positions:

140 7 \$ 800,000
140 8 FTEs 6.00

140 9 Sec. 147. DEPARTMENT OF HUMAN SERVICES. There is
140 10 appropriated from the senior living trust fund created in
140 11 section 249H.4 to the department of human services for the
140 12 fiscal year beginning July 1, 2004, and ending June 30, 2005,
140 13 the following amounts, or so much thereof as is necessary, to
140 14 be used for the purposes designated:

140 15 1. To provide grants to nursing facilities for conversion
140 16 to assisted living programs or to provide long-term care
140 17 alternatives, to provide grants to intermediate care
140 18 facilities for persons with mental retardation for conversion
140 19 to assisted living programs or home and community-based
140 20 services, to provide grants to long-term care providers for
140 21 development of long-term care alternatives, to develop less
140 22 restrictive community-based services for placement of persons
140 23 currently residing in state resource centers, and for other
140 24 purposes specified in this subsection:

140 25 \$ 20,000,000

140 26 a. Up to 25 percent of the amount appropriated in this
140 27 subsection may be used for development of less restrictive
140 28 community-based services, including community residential
140 29 living alternatives, with a significant focus on reducing the
140 30 numbers of persons served in state resource centers and other
140 31 intermediate care facilities for persons with mental
140 32 retardation as well as for activities designed to facilitate
140 33 the planning for or placement of such services and persons.
140 34 Services provided under this paragraph are not intended to
140 35 require the closure of nursing facilities.

141 1 b. Up to \$2,000,000 of the moneys allocated in paragraph
141 2 "a" may, at the discretion of the director of human services,
141 3 be transferred to the Iowa finance authority for the purpose
141 4 of utilizing low-income housing tax credits for the
141 5 development of service-enriched housing for persons served in
141 6 the state resource centers and to assist in the development of
141 7 assisted living facilities that focus on addressing the needs
141 8 of persons with low income.

141 9 c. Two million dollars of the moneys appropriated in this
141 10 subsection shall be transferred to the appropriation in this
141 11 Act from the general fund of the state for the medical
141 12 assistance program to be used to implement nursing facility
141 13 provider reimbursements as provided in 2001 Iowa Acts, chapter
141 14 192, section 4, subsection 2, paragraph "c".

141 15 2. To supplement the medical assistance appropriation,
141 16 including program administration and costs associated with

141 17 implementation, salaries, support, maintenance, and
141 18 miscellaneous purposes, and for not more than the following
141 19 full-time equivalent positions:
141 20 \$101,600,000
141 21 FTEs 5.00
141 22 3. To provide reimbursement for health care services and
141 23 rent expenses to eligible persons through the home and
141 24 community-based services waiver and the state supplementary
141 25 assistance program, including program administration and data
141 26 system costs associated with implementation, salaries,
141 27 support, maintenance, and miscellaneous purposes:
141 28 \$ 1,733,406
141 29 Participation in the rent subsidy program shall be limited
141 30 to only those persons who are at risk for nursing facility
141 31 care.
141 32 4. To implement nursing facility provider reimbursements
141 33 as provided in 2001 Iowa Acts, chapter 192, section 4,
141 34 subsection 2, paragraph "c":
141 35 \$ 29,950,000
142 1 In order to carry out the purposes of this section, the
142 2 department shall transfer funds appropriated in this section
142 3 to supplement other appropriations made to the department of
142 4 human services.
142 5 5. Notwithstanding sections 249H.4 and 249H.5, the
142 6 department of human services may use moneys from the senior
142 7 living trust fund for cash flow purposes to make payments
142 8 under the nursing facility or hospital upper payment limit
142 9 methodology. The amount of any moneys so used shall be
142 10 refunded to the senior living trust fund within the same
142 11 fiscal year and in a prompt manner.
142 12 6. Notwithstanding section 8.33, moneys committed to
142 13 grantees under contract to provide for conversion to assisted
142 14 living programs or for development of long-term care
142 15 alternatives that remain unexpended at the close of the fiscal
142 16 year shall not revert to any fund but shall remain available
142 17 for expenditure for purposes of the contract.
142 18 Sec. 148. INSURANCE DIVISION OF THE DEPARTMENT OF
142 19 COMMERCE. There is appropriated from the senior living trust
142 20 fund created in section 249H.4 to the insurance division of
142 21 the department of commerce for the fiscal year beginning July
142 22 1, 2004, and ending June 30, 2005, the following amount, or so
142 23 much thereof as is necessary, to be used for the purpose
142 24 designated:
142 25 For administration of the long-term care insurance
142 26 partnership program including program administration and costs
142 27 associated with implementation, salaries, support,
142 28 maintenance, and miscellaneous purposes, and for not more than
142 29 the following full-time equivalent positions:
142 30 \$ 265,000
142 31 FTEs 4.00
142 32 Sec. 149. CONVERSION GRANT PROJECTS == RULES.
142 33 1. For the fiscal year beginning July 1, 2004, and ending
142 34 June 30, 2005, the department of human services shall continue
142 35 to give greater weight in the scoring methodology to nursing
143 1 facility conversion projects that are primarily for the
143 2 renovation and remodeling of the existing nursing facility
143 3 structure and give less weight to conversion projects that are
143 4 primarily for new construction. The department of human
143 5 services shall encourage cooperative efforts between the
143 6 department of inspections and appeals, the state fire marshal,
143 7 and the grant applicant to promote the acceptance of nursing
143 8 facility conversion projects that are primarily renovation and
143 9 remodeling of the existing nursing facility structure.
143 10 2. For the fiscal year beginning July 1, 2004, and ending
143 11 June 30, 2005, the department of inspections and appeals shall
143 12 certify all assisted living programs established through
143 13 nursing facility conversion grants. The department of
143 14 inspections and appeals shall consult with conversion grant
143 15 applicants and recipients to establish and monitor occupancy
143 16 agreements and assisted living program residents shall be
143 17 allowed access to third-party payors.
143 18 Sec. 150. HOSPITAL TRUST FUND. There is appropriated from
143 19 the hospital trust fund created in section 249I.4 to the
143 20 department of human services for the fiscal year beginning
143 21 July 1, 2004, and ending June 30, 2005, the following amount,
143 22 or so much thereof as is necessary, to be used for the purpose
143 23 designated:
143 24 To supplement the appropriations made for the medical
143 25 assistance program for that fiscal year:
143 26 \$ 37,500,000
143 27 Sec. 151. MEDICAL ASSISTANCE PROGRAM == REVERSION TO

143 28 SENIOR LIVING TRUST FUND FOR FY 2004=2005. Notwithstanding
143 29 section 8.33, if moneys appropriated in this Act for purposes
143 30 of the medical assistance program for the fiscal year
143 31 beginning July 1, 2004, and ending June 30, 2005, from the
143 32 general fund of the state, the senior living trust fund, the
143 33 hospital trust fund, or the healthy Iowans tobacco trust fund
143 34 are in excess of actual expenditures for the medical
143 35 assistance program and remain unencumbered or unobligated at
144 1 the close of the fiscal year, the excess moneys shall not
144 2 revert but shall be transferred to the senior living trust
144 3 fund created in section 249H.4.

144 4 DIVISION VII
144 5 MENTAL HEALTH, MENTAL RETARDATION,
144 6 DEVELOPMENTAL DISABILITIES,
144 7 AND BRAIN INJURY SERVICES

144 8 Sec. 152. COUNTY HOSPITALS. There is appropriated from
144 9 the general fund of the state to the department of human
144 10 services for the fiscal year beginning July 1, 2004, and
144 11 ending June 30, 2005, the following amount, or so much thereof
144 12 as is necessary, for the purpose designated:

144 13 For support of mental health care services provided to
144 14 persons who are elderly or poor by county hospitals in
144 15 counties having a population of two hundred twenty-five
144 16 thousand or more:

144 17 \$ 200,000

144 18 Sec. 153. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
144 19 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
144 20 == FISCAL YEAR 2005=2006.

144 21 1. There is appropriated from the general fund of the
144 22 state to the department of human services for the fiscal year
144 23 beginning July 1, 2005, and ending June 30, 2006, the
144 24 following amount, or so much thereof as is necessary, to be
144 25 used for the purpose designated:

144 26 For distribution to counties of the county mental health,
144 27 mental retardation, and developmental disabilities allowed
144 28 growth factor adjustment, as provided in this section in lieu
144 29 of the provisions of section 331.438, subsection 2, and
144 30 section 331.439, subsection 3, and chapter 426B:

144 31 \$ 28,507,362

144 32 2. The funding appropriated in this section is the allowed
144 33 growth factor adjustment for fiscal year 2005=2006, and is
144 34 allocated as follows:

144 35 a. For distribution to counties for fiscal year 2005=2006
145 1 in accordance with the formula in section 331.438, subsection
145 2 2, paragraph "b":

145 3 \$ 12,000,000

145 4 b. For deposit in the per capita expenditure target pool
145 5 created in the property tax relief fund and for distribution
145 6 in accordance with section 426B.5, subsection 1:

145 7 \$ 14,507,362

145 8 c. For deposit in the risk pool created in the property
145 9 tax relief fund and for distribution in accordance with
145 10 section 426B.5, subsection 2:

145 11 \$ 2,000,000

145 12 Sec. 154. 2003 Iowa Acts, chapter 179, section 2, is
145 13 amended by adding the following new subsections:

145 14 NEW SUBSECTION. 3. The following formula amounts shall be
145 15 utilized only to calculate preliminary distribution amounts
145 16 for fiscal year 2004=2005 under this section by applying the
145 17 indicated formula provisions to the formula amounts and
145 18 producing a preliminary distribution total for each county:

145 19 a. For calculation of an allowed growth factor adjustment
145 20 amount for each county in accordance with the formula in
145 21 section 331.438, subsection 2, paragraph "b":

145 22 \$ 12,000,000

145 23 b. For calculation of a distribution amount for eligible
145 24 counties from the per capita expenditure target pool created
145 25 in the property tax relief fund in accordance with the
145 26 requirements in section 426B.5, subsection 1:

145 27 \$ 19,157,111

145 28 c. For calculation of a distribution amount for counties
145 29 from the mental health and developmental disabilities (MH/DD)
145 30 community services fund in accordance with the formula
145 31 provided in the appropriation made for the MH/DD community
145 32 services fund for the fiscal year beginning July 1, 2003:

145 33 \$ 17,727,890

145 34 NEW SUBSECTION. 4. After applying the applicable
145 35 statutory distribution formulas to the amounts indicated in
146 1 subsection 3 for purposes of producing preliminary
146 2 distribution totals, the department of human services shall
146 3 apply a withholding factor to adjust an eligible individual

146 4 county's preliminary distribution total. An ending balance
146 5 percentage for each county shall be determined by expressing
146 6 the county's ending balance on a modified accrual basis under
146 7 generally accepted accounting principles for the fiscal year
146 8 beginning July 1, 2003, in the county's mental health, mental
146 9 retardation, and developmental disabilities services fund
146 10 created under section 331.424A, as a percentage of the
146 11 county's gross expenditures from that fund for that fiscal
146 12 year. The withholding factor for a county shall be the
146 13 following applicable percent:
146 14 a. For an ending balance percentage of less than 10
146 15 percent, a withholding factor of 0 percent. In addition to
146 16 the county's adjusted distribution total, a county that is
146 17 subject to this paragraph "a" shall receive an inflation
146 18 adjustment equal to 2.6 percent of the gross expenditures
146 19 reported for the county's services fund for that fiscal year.
146 20 b. For an ending balance percentage of 10 through 24
146 21 percent, a withholding factor of 25 percent. However, the
146 22 amount withheld shall be limited to the amount by which the
146 23 county's ending balance was in excess of the ending balance
146 24 percentage of 10 percent.
146 25 c. For an ending balance percentage of 25 percent or more,
146 26 a withholding factor of 100 percent.
146 27 NEW SUBSECTION. 5. The total withholding amounts applied
146 28 pursuant to subsection 4 shall be equal to a withholding
146 29 target amount of \$9,418,362. If the department of human
146 30 services determines that the amount to be withheld in
146 31 accordance with subsection 4 is not equal to the target
146 32 withholding amount, the department shall adjust the
146 33 withholding factors listed in subsection 4 as necessary to
146 34 achieve the withholding target amount. However, in making
146 35 such adjustments to the withholding factors, the department
147 1 shall strive to minimize changes to the withholding factors
147 2 for those ending balance percentage ranges that are lower than
147 3 others and shall not adjust the zero withholding factor or the
147 4 inflation adjustment percentage specified in subsection 4,
147 5 paragraph "a".

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DIVISION VIII
JUDICIAL BRANCH

147 8 Sec. 155. JUDICIAL BRANCH. There is appropriated from the
147 9 general fund of the state to the judicial branch for the
147 10 fiscal year beginning July 1, 2004, and ending June 30, 2005,
147 11 the following amount, or so much thereof as is necessary, to
147 12 be used for the purposes designated:

147 13 For salaries of supreme court justices, appellate court
147 14 judges, district court judges, district associate judges,
147 15 judicial magistrates and staff, state court administrator,
147 16 clerk of the supreme court, district court administrators,
147 17 clerks of the district court, juvenile court officers, board
147 18 of law examiners and board of examiners of shorthand reporters
147 19 and judicial qualifications commission, receipt and
147 20 disbursement of child support payments, reimbursement of the
147 21 auditor of state for expenses incurred in completing audits of
147 22 the offices of the clerks of the district court during the
147 23 fiscal year beginning July 1, 2004, and maintenance,
147 24 equipment, and miscellaneous purposes:

147 25 \$117,837,862

147 26 1. The judicial branch, except for purposes of internal
147 27 processing, shall use the current state budget system, the
147 28 state payroll system, and the Iowa finance and accounting
147 29 system in administration of programs and payments for
147 30 services, and shall not duplicate the state payroll,
147 31 accounting, and budgeting systems.

147 32 2. The judicial branch shall submit monthly financial
147 33 statements to the legislative services agency and the
147 34 department of management containing all appropriated accounts
147 35 in the same manner as provided in the monthly financial status
148 1 reports and personal services usage reports of the department
148 2 of administrative services. The monthly financial statements
148 3 shall include a comparison of the dollars and percentage spent
148 4 of budgeted versus actual revenues and expenditures on a
148 5 cumulative basis for full-time equivalent positions and
148 6 dollars.

148 7 3. The judicial branch shall focus efforts upon the
148 8 collection of delinquent fines, penalties, court costs, fees,
148 9 surcharges, or similar amounts.

148 10 4. It is the intent of the general assembly that the
148 11 offices of the clerks of the district court operate in all
148 12 ninety-nine counties and be accessible to the public as much
148 13 as is reasonably possible in order to address the relative
148 14 needs of the citizens of each county.

148 15 5. The judicial branch shall study the best practices and
148 16 efficiencies of each judicial district. In identifying the
148 17 most efficient judicial districts and the districts using best
148 18 practices, the judicial branch shall consider the average cost
148 19 to the judicial branch for processing each classification of
148 20 criminal offense or civil action and the overall number of
148 21 cases filed. The judicial branch shall file a report
148 22 regarding the study made and actions taken pursuant to this
148 23 subsection with the cochairpersons and ranking members of the
148 24 joint appropriations subcommittee on the justice system and to
148 25 the legislative services agency by December 15, 2004.

148 26 6. In addition to the requirements for transfers under
148 27 section 8.39, the judicial branch shall not change the
148 28 appropriations from the amounts appropriated to the judicial
148 29 branch in this division of this Act, unless notice of the
148 30 revisions is given prior to their effective date to the
148 31 legislative services agency. The notice shall include
148 32 information on the branch's rationale for making the changes
148 33 and details concerning the work load and performance measures
148 34 upon which the changes are based.

148 35 7. The judicial branch shall submit a semiannual update to
149 1 the legislative services agency specifying the amounts of
149 2 fines, surcharges, and court costs collected using the Iowa
149 3 court information system since the last report. The judicial
149 4 branch shall continue to facilitate the sharing of vital
149 5 sentencing and other information with other state departments
149 6 and governmental agencies involved in the criminal justice
149 7 system through the Iowa court information system.

149 8 8. The judicial branch shall provide a report to the
149 9 general assembly by January 1, 2005, concerning the amounts
149 10 received and expended from the enhanced court collections fund
149 11 created in section 602.1304 and the court technology and
149 12 modernization fund created in section 602.8108, subsection 5,
149 13 during the fiscal year beginning July 1, 2003, and ending June
149 14 30, 2004, and the plans for expenditures from each fund during
149 15 the fiscal year beginning July 1, 2004, and ending June 30,
149 16 2005. A copy of the report shall be provided to the
149 17 legislative services agency.

149 18 Sec. 156. JUDICIAL RETIREMENT FUND. There is appropriated
149 19 from the general fund of the state to the judicial retirement
149 20 fund for the fiscal year beginning July 1, 2004, and ending
149 21 June 30, 2005, the following amount, or so much thereof as is
149 22 necessary, to be used for the purpose designated:

149 23 Notwithstanding section 602.9104, for the state's
149 24 contribution to the judicial retirement fund in the amount of
149 25 9.71 percent of the basic salaries of the judges covered under
149 26 chapter 602, article 9:
149 27 \$ 2,039,664

149 28 Sec. 157. APPOINTMENT OF CLERK OF COURT. The appointment
149 29 of a clerk of the district court shall not occur unless the
149 30 state court administrator approves the appointment.

149 31 Sec. 158. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
149 32 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
149 33 required to be provided by the judicial branch for fiscal year
149 34 2004=2005 to the legislative services agency shall be provided
149 35 in an electronic format. The legislative services agency
150 1 shall post the reports on its internet site and shall notify
150 2 by electronic means all the members of the joint
150 3 appropriations subcommittee on the justice system when a
150 4 report is posted. Upon request, copies of the reports may be
150 5 mailed to members of the joint appropriations subcommittee on
150 6 the justice system.

150 7 DIVISION IX
150 8 JUSTICE SYSTEM

150 9 Sec. 159. DEPARTMENT OF JUSTICE.

150 10 1. There is appropriated from the general fund of the
150 11 state to the department of justice for the fiscal year
150 12 beginning July 1, 2004, and ending June 30, 2005, the
150 13 following amounts, or so much thereof as is necessary, to be
150 14 used for the purposes designated:

150 15 a. For the general office of attorney general for
150 16 salaries, support, maintenance, miscellaneous purposes
150 17 including the prosecuting attorneys training program, victim
150 18 assistance grants, office of drug control policy (ODCP)
150 19 prosecuting attorney program, legal services for persons in
150 20 poverty grants as provided in section 13.34, odometer fraud
150 21 enforcement, and for not more than the following full-time
150 22 equivalent positions:

150 23 \$ 7,565,245
150 24 FTEs 208.50

150 25 It is the intent of the general assembly that as a

150 26 condition of receiving the appropriation provided in this
150 27 lettered paragraph, the department of justice shall maintain a
150 28 record of the estimated time incurred representing each agency
150 29 or department.

150 30 b. For victim assistance grants:

150 31 \$ 5,000

150 32 The funds appropriated in this lettered paragraph shall be
150 33 used to provide grants to care providers providing services to
150 34 crime victims of domestic abuse or to crime victims of rape
150 35 and sexual assault.

151 1 2. In addition to the funds appropriated in subsection 1,
151 2 there is appropriated from the general fund of the state to
151 3 the department of justice for the fiscal year beginning July
151 4 1, 2004, and ending June 30, 2005, an amount not exceeding
151 5 \$200,000 to be used for the enforcement of the Iowa
151 6 competition law. The funds appropriated in this subsection
151 7 are contingent upon receipt by the general fund of the state
151 8 of an amount at least equal to the expenditure amount from
151 9 either damages awarded to the state or a political subdivision
151 10 of the state by a civil judgment under chapter 553, if the
151 11 judgment authorizes the use of the award for enforcement
151 12 purposes or costs or attorneys fees awarded the state in state
151 13 or federal antitrust actions. However, if the amounts
151 14 received as a result of these judgments are in excess of
151 15 \$200,000, the excess amounts shall not be appropriated to the
151 16 department of justice pursuant to this subsection. The
151 17 department of justice shall report the department's actual
151 18 costs and an estimate of the time incurred enforcing the
151 19 competition law, to the cochairpersons and ranking members of
151 20 the joint appropriations subcommittee on the justice system,
151 21 and to the legislative services agency by November 15, 2004.

151 22 3. In addition to the funds appropriated in subsection 1,
151 23 there is appropriated from the general fund of the state to
151 24 the department of justice for the fiscal year beginning July
151 25 1, 2004, and ending June 30, 2005, an amount not exceeding
151 26 \$1,125,000 to be used for public education relating to
151 27 consumer fraud and for enforcement of section 714.16, and an
151 28 amount not exceeding \$75,000 for investigation, prosecution,
151 29 and consumer education relating to consumer and criminal fraud
151 30 against older Iowans. The funds appropriated in this
151 31 subsection are contingent upon receipt by the general fund of
151 32 the state of an amount at least equal to the expenditure
151 33 amount from damages awarded to the state or a political
151 34 subdivision of the state by a civil consumer fraud judgment or
151 35 settlement, if the judgment or settlement authorizes the use
152 1 of the award for public education on consumer fraud. However,
152 2 if the funds received as a result of these judgments and
152 3 settlements are in excess of \$1,200,000, the excess funds
152 4 shall not be appropriated to the department of justice
152 5 pursuant to this subsection. The department of justice shall
152 6 report to the cochairpersons and ranking members of the joint
152 7 appropriations subcommittee on the justice system, and to the
152 8 legislative services agency by November 15, 2004, the
152 9 department's actual costs and an estimate of the time incurred
152 10 in providing education pursuant to and enforcing this
152 11 subsection.

152 12 4. The balance of the victim compensation fund established
152 13 in section 915.94 may be used to provide salary and support of
152 14 not more than 20.00 FTEs and to provide maintenance for the
152 15 victim compensation functions of the department of justice.

152 16 5. a. The department of justice, in submitting budget
152 17 estimates for the fiscal year commencing July 1, 2005,
152 18 pursuant to section 8.23, shall include a report of funding
152 19 from sources other than amounts appropriated directly from the
152 20 general fund of the state to the department of justice or to
152 21 the office of consumer advocate. These funding sources shall
152 22 include, but are not limited to, reimbursements from other
152 23 state agencies, commissions, boards, or similar entities, and
152 24 reimbursements from special funds or internal accounts within
152 25 the department of justice. The department of justice shall
152 26 report actual reimbursements for the fiscal year commencing
152 27 July 1, 2003, and actual and expected reimbursements for the
152 28 fiscal year commencing July 1, 2004.

152 29 b. The department of justice shall include the report
152 30 required under paragraph "a", as well as information regarding
152 31 any revisions occurring as a result of reimbursements actually
152 32 received or expected at a later date, in a report to the
152 33 cochairpersons and ranking members of the joint appropriations
152 34 subcommittee on the justice system and the legislative
152 35 services agency. The department of justice shall submit the
153 1 report on or before January 15, 2005.

153 2 Sec. 160. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
153 3 INVESTIGATION AND PROSECUTION == FUNDING. There is
153 4 appropriated from the environmental crime fund of the
153 5 department of justice, consisting of court-ordered fines and
153 6 penalties awarded to the department arising out of the
153 7 prosecution of environmental crimes, to the department of
153 8 justice for the fiscal year beginning July 1, 2004, and ending
153 9 June 30, 2005, an amount not exceeding \$20,000 to be used by
153 10 the department, at the discretion of the attorney general, for
153 11 the investigation and prosecution of environmental crimes,
153 12 including the reimbursement of expenses incurred by county,
153 13 municipal, and other local governmental agencies cooperating
153 14 with the department in the investigation and prosecution of
153 15 environmental crimes.

153 16 The funds appropriated in this section are contingent upon
153 17 receipt by the environmental crime fund of the department of
153 18 justice of an amount at least equal to the appropriations made
153 19 in this section and received from contributions, court-ordered
153 20 restitution as part of judgments in criminal cases, and
153 21 consent decrees entered into as part of civil or regulatory
153 22 enforcement actions. However, if the funds received during
153 23 the fiscal year are in excess of \$20,000, the excess funds
153 24 shall be deposited in the general fund of the state.

153 25 Notwithstanding section 8.33, moneys appropriated in this
153 26 section that remain unencumbered or unobligated at the close
153 27 of the fiscal year shall not revert but shall remain available
153 28 for expenditure for the purpose designated until the close of
153 29 the succeeding fiscal year.

153 30 Sec. 161. OFFICE OF CONSUMER ADVOCATE. There is
153 31 appropriated from the general fund of the state to the office
153 32 of consumer advocate of the department of justice for the
153 33 fiscal year beginning July 1, 2004, and ending June 30, 2005,
153 34 the following amount, or so much thereof as is necessary, to
153 35 be used for the purposes designated:

154 1 For salaries, support, maintenance, miscellaneous purposes,
154 2 and for not more than the following full-time equivalent
154 3 positions:

154 4 \$ 2,803,862
154 5 FTEs 27.00

154 6 Sec. 162. DEPARTMENT OF CORRECTIONS == FACILITIES.

154 7 1. There is appropriated from the general fund of the
154 8 state to the department of corrections for the fiscal year
154 9 beginning July 1, 2004, and ending June 30, 2005, the
154 10 following amounts, or so much thereof as is necessary, to be
154 11 used for the purposes designated:

154 12 For the operation of adult correctional institutions,
154 13 reimbursement of counties for certain confinement costs, and
154 14 federal prison reimbursement, to be allocated as follows:

154 15 a. For the operation of the Fort Madison correctional
154 16 facility, including salaries, support, maintenance, and
154 17 miscellaneous purposes:

154 18 \$ 38,009,504

154 19 b. For the operation of the Anamosa correctional facility,
154 20 including salaries, support, maintenance, and miscellaneous
154 21 purposes:

154 22 \$ 26,913,551

154 23 Moneys are provided within this appropriation for one full-
154 24 time substance abuse counselor for the Luster Heights
154 25 facility, for the purpose of certification of a substance
154 26 abuse program at that facility.

154 27 c. For the operation of the Oakdale correctional facility,
154 28 including salaries, support, maintenance, and miscellaneous
154 29 purposes:

154 30 \$ 23,536,936

154 31 d. For the operation of the Newton correctional facility,
154 32 including salaries, support, maintenance, and miscellaneous
154 33 purposes:

154 34 \$ 24,533,794

154 35 e. For the operation of the Mt. Pleasant correctional
155 1 facility, including salaries, support, maintenance, and
155 2 miscellaneous purposes:

155 3 \$ 22,464,361

155 4 f. For the operation of the Rockwell City correctional
155 5 facility, including salaries, support, maintenance, and
155 6 miscellaneous purposes:

155 7 \$ 7,772,369

155 8 g. For the operation of the Clarinda correctional
155 9 facility, including salaries, support, maintenance, and
155 10 miscellaneous purposes:

155 11 \$ 22,518,204

155 12 Moneys received by the department of corrections as

155 13 reimbursement for services provided to the Clarinda youth
155 14 corporation are appropriated to the department and shall be
155 15 used for the purpose of operating the Clarinda correctional
155 16 facility.
155 17 h. For the operation of the Mitchellville correctional
155 18 facility, including salaries, support, maintenance, and
155 19 miscellaneous purposes:
155 20 \$ 13,190,260
155 21 i. For the operation of the Fort Dodge correctional
155 22 facility, including salaries, support, maintenance, and
155 23 miscellaneous purposes:
155 24 \$ 25,880,530
155 25 j. For reimbursement of counties for temporary confinement
155 26 of work release and parole violators, as provided in sections
155 27 901.7, 904.908, and 906.17 and for offenders confined pursuant
155 28 to section 904.513:
155 29 \$ 674,954
155 30 k. For federal prison reimbursement, reimbursements for
155 31 out-of-state placements, and miscellaneous contracts:
155 32 \$ 241,293
155 33 The department of corrections shall use funds appropriated
155 34 in this subsection to continue to contract for the services of
155 35 a Muslim imam.

156 1 Sec. 163. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
156 2 1. There is appropriated from the general fund of the
156 3 state to the department of corrections for the fiscal year
156 4 beginning July 1, 2004, and ending June 30, 2005, the
156 5 following amounts, or so much thereof as is necessary, to be
156 6 used for the purposes designated:

156 7 a. For general administration, including salaries,
156 8 support, maintenance, employment of an education director to
156 9 administer a centralized education program for the
156 10 correctional system, and miscellaneous purposes:
156 11 \$ 2,784,393

156 12 (1) It is the intent of the general assembly that as a
156 13 condition of receiving the appropriation provided in this
156 14 lettered paragraph, the department of corrections shall not,
156 15 except as otherwise provided in subparagraph (3), enter into a
156 16 new contract, unless the contract is a renewal of an existing
156 17 contract, for the expenditure of moneys in excess of \$100,000
156 18 during the fiscal year beginning July 1, 2004, for the
156 19 privatization of services performed by the department using
156 20 state employees as of July 1, 2004, or for the privatization
156 21 of new services by the department, without prior consultation
156 22 with any applicable state employee organization affected by
156 23 the proposed new contract and prior notification of the
156 24 cochairpersons and ranking members of the joint appropriations
156 25 subcommittee on the justice system.

156 26 (2) It is the intent of the general assembly that each
156 27 lease negotiated by the department of corrections with a
156 28 private corporation for the purpose of providing private
156 29 industry employment of inmates in a correctional institution
156 30 shall prohibit the private corporation from utilizing inmate
156 31 labor for partisan political purposes for any person seeking
156 32 election to public office in this state and that a violation
156 33 of this requirement shall result in a termination of the lease
156 34 agreement.

156 35 (3) It is the intent of the general assembly that as a
157 1 condition of receiving the appropriation provided in this
157 2 lettered paragraph, the department of corrections shall not
157 3 enter into a lease or contractual agreement pursuant to
157 4 section 904.809 with a private corporation for the use of
157 5 building space for the purpose of providing inmate employment
157 6 without providing that the terms of the lease or contract
157 7 establish safeguards to restrict, to the greatest extent
157 8 feasible, access by inmates working for the private
157 9 corporation to personal identifying information of citizens.

157 10 b. For educational programs for inmates at state penal
157 11 institutions:
157 12 \$ 1,008,358

157 13 It is the intent of the general assembly that moneys
157 14 appropriated in this lettered paragraph shall be used solely
157 15 for the purpose indicated and that the moneys shall not be
157 16 transferred for any other purpose. In addition, it is the
157 17 intent of the general assembly that the department shall
157 18 consult with the community colleges in the areas in which the
157 19 institutions are located to utilize moneys appropriated in
157 20 this lettered paragraph to fund the high school completion,
157 21 high school equivalency diploma, adult literacy, and adult
157 22 basic education programs in a manner so as to maintain these
157 23 programs at the institutions.

157 24 To maximize the funding for educational programs, the
157 25 department shall establish guidelines and procedures to
157 26 prioritize the availability of educational and vocational
157 27 training for inmates based upon the goal of facilitating an
157 28 inmate's successful release from the correctional institution.
157 29 The director of the department of corrections may transfer
157 30 moneys from Iowa prison industries for use in educational
157 31 programs for inmates.

157 32 Notwithstanding section 8.33, moneys appropriated in this
157 33 lettered paragraph that remain unobligated or unexpended at
157 34 the close of the fiscal year shall not revert but shall remain
157 35 available for expenditure only for the purpose designated in
158 1 this lettered paragraph until the close of the succeeding
158 2 fiscal year.

158 3 c. For the development of the Iowa corrections offender
158 4 network (ICON) data system:

158 5 \$ 427,700

158 6 2. It is the intent of the general assembly that the
158 7 department of corrections shall continue to operate the
158 8 correctional farms under the control of the department at the
158 9 same or greater level of participation and involvement as
158 10 existed as of January 1, 2004, shall not enter into any rental
158 11 agreement or contract concerning any farmland under the
158 12 control of the department that is not subject to a rental
158 13 agreement or contract as of January 1, 2004, without prior
158 14 legislative approval, and shall further attempt to provide job
158 15 opportunities at the farms for inmates. The department shall
158 16 attempt to provide job opportunities at the farms for inmates
158 17 by encouraging labor-intensive farming or gardening where
158 18 appropriate, using inmates to grow produce and meat for
158 19 institutional consumption, researching the possibility of
158 20 instituting food canning and cook-and-chill operations, and
158 21 exploring opportunities for organic farming and gardening,
158 22 livestock ventures, horticulture, and specialized crops.

158 23 3. The department shall work to increase produce gardening
158 24 by inmates under the control of the correctional institutions,
158 25 and, if appropriate, may use the central distribution network
158 26 at the Woodward state resource center. The department shall
158 27 file a report with the cochairpersons and ranking members of
158 28 the joint appropriations subcommittee on the justice system by
158 29 December 1, 2004, regarding the feasibility of expanding the
158 30 number of acres devoted to organic gardening and to the
158 31 growing of organic produce for sale.

158 32 4. The department of corrections shall submit a report to
158 33 the general assembly by January 1, 2005, concerning moneys
158 34 recouped from inmate earnings for the reimbursement of
158 35 operational expenses of the applicable facility during the
159 1 fiscal year beginning July 1, 2003, for each correctional
159 2 institution and judicial district department of correctional
159 3 services. In addition, each correctional institution and
159 4 judicial district department of correctional services shall
159 5 continue to submit a report to the legislative services agency
159 6 on a monthly basis concerning moneys recouped from inmate
159 7 earnings pursuant to sections 904.702, 904.809, and 905.14.

159 8 5. The department of corrections, in consultation with the
159 9 board of parole, shall study the feasibility of establishing a
159 10 mentoring program using unpaid volunteers to mentor persons
159 11 who are on probation or parole. The department of corrections
159 12 shall file a report regarding the study with the
159 13 cochairpersons and ranking members of the joint appropriations
159 14 subcommittee on the justice system, and the legislative
159 15 services agency by December 15, 2004. The report shall detail
159 16 the feasibility of establishing such a mentoring program.

159 17 Sec. 164. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
159 18 SERVICES.

159 19 1. There is appropriated from the general fund of the
159 20 state to the department of corrections for the fiscal year
159 21 beginning July 1, 2004, and ending June 30, 2005, the
159 22 following amounts, or so much thereof as is necessary, to be
159 23 allocated as follows:

159 24 a. For the first judicial district department of
159 25 correctional services, including the treatment and supervision
159 26 of probation and parole violators who have been released from
159 27 the department of corrections violator program, the following
159 28 amount, or so much thereof as is necessary:
159 29 \$ 10,090,207

159 30 b. For the second judicial district department of
159 31 correctional services, including the treatment and supervision
159 32 of probation and parole violators who have been released from
159 33 the department of corrections violator program, the following
159 34 amount, or so much thereof as is necessary:

159 35 \$ 7,755,402
160 1 c. For the third judicial district department of
160 2 correctional services, including the treatment and supervision
160 3 of probation and parole violators who have been released from
160 4 the department of corrections violator program, the following
160 5 amount, or so much thereof as is necessary:
160 6 \$ 4,631,423
160 7 d. For the fourth judicial district department of
160 8 correctional services, including the treatment and supervision
160 9 of probation and parole violators who have been released from
160 10 the department of corrections violator program, the following
160 11 amount, or so much thereof as is necessary:
160 12 \$ 4,248,965
160 13 e. For the fifth judicial district department of
160 14 correctional services, including the treatment and supervision
160 15 of probation and parole violators who have been released from
160 16 the department of corrections violator program, the following
160 17 amount, or so much thereof as is necessary:
160 18 \$ 12,982,837
160 19 f. For the sixth judicial district department of
160 20 correctional services, including the treatment and supervision
160 21 of probation and parole violators who have been released from
160 22 the department of corrections violator program, the following
160 23 amount, or so much thereof as is necessary:
160 24 \$ 10,064,717
160 25 g. For the seventh judicial district department of
160 26 correctional services, including the treatment and supervision
160 27 of probation and parole violators who have been released from
160 28 the department of corrections violator program, the following
160 29 amount, or so much thereof as is necessary:
160 30 \$ 5,677,314
160 31 h. For the eighth judicial district department of
160 32 correctional services, including the treatment and supervision
160 33 of probation and parole violators who have been released from
160 34 the department of corrections violator program, the following
160 35 amount, or so much thereof as is necessary:
161 1 \$ 5,574,865
161 2 i. For the fifth judicial district department of
161 3 correctional services for a grant as provided in this
161 4 paragraph:
161 5 \$ 75,000
161 6 The amount appropriated in this paragraph shall be
161 7 distributed as a grant to a private nonprofit organization for
161 8 expansion of a program operated by the organization in
161 9 collaboration with the judicial district department and the
161 10 county attorney's office of the largest county in the judicial
161 11 district. The purpose of the program is to rehabilitate young
161 12 convicted felons as an alternative to incarceration.
161 13 2. Each judicial district department of correctional
161 14 services, within the funding available, shall continue
161 15 programs and plans established within that district to provide
161 16 for intensive supervision, sex offender treatment, diversion
161 17 of low-risk offenders to the least restrictive sanction
161 18 available, job development, and expanded use of intermediate
161 19 criminal sanctions.
161 20 3. Each judicial district department of correctional
161 21 services shall provide alternatives to prison consistent with
161 22 chapter 901B. The alternatives to prison shall ensure public
161 23 safety while providing maximum rehabilitation to the offender.
161 24 A judicial district department may also establish a day
161 25 program.
161 26 4. The governor's office of drug control policy shall
161 27 consider federal grants made to the department of corrections
161 28 for the benefit of each of the eight judicial district
161 29 departments of correctional services as local government
161 30 grants, as defined pursuant to federal regulations.
161 31 Sec. 165. INTENT == REPORTS.
161 32 1. The department of corrections shall submit a report on
161 33 inmate labor to the general assembly, to the cochairpersons
161 34 and the ranking members of the joint appropriations
161 35 subcommittee on the justice system, and to the legislative
162 1 services agency by January 15, 2005. The report shall
162 2 specifically address the progress the department has made in
162 3 implementing the requirements of section 904.701, inmate labor
162 4 on capital improvement projects, community work crews, inmate
162 5 produce gardening, and private-sector employment.
162 6 2. The department in cooperation with townships, the Iowa
162 7 cemetery associations, and other nonprofit or governmental
162 8 entities may use inmate labor to restore or preserve rural
162 9 cemeteries and historical landmarks. The department in
162 10 cooperation with the counties may also use inmate labor to

162 11 clean up roads, major water sources, and other water sources
162 12 around the state. Any governmental entity or nonprofit agency
162 13 using inmate labor pursuant to this subsection shall be immune
162 14 from civil or employer liability.

162 15 3. The department shall provide a report that details the
162 16 inmate capacity for each county jail, detention facility, or
162 17 municipal jail. The report shall also include population data
162 18 of the jails and detention facilities, and options for
162 19 integrating jails and detention facilities into the department
162 20 of corrections. The department shall file the report with the
162 21 cochairpersons and ranking members of the joint appropriations
162 22 subcommittee on the justice system and the legislative
162 23 services agency by December 15 of each year. The department
162 24 shall also coordinate and provide information to the counties
162 25 regarding available inmate bed space in each county jail,
162 26 detention facility, or municipal jail.

162 27 4. Each month the department shall provide a status report
162 28 regarding private-sector employment to the legislative
162 29 services agency beginning on July 1, 2004. The report shall
162 30 include the number of offenders employed in the private
162 31 sector, the combined number of hours worked by the offenders,
162 32 and the total amount of allowances, and the distribution of
162 33 allowances pursuant to section 904.702, including any moneys
162 34 deposited in the general fund of the state.

162 35 Sec. 166. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

163 1 1. As used in this section, unless the context otherwise
163 2 requires, "state agency" means the government of the state of
163 3 Iowa, including but not limited to all executive branch
163 4 departments, agencies, boards, bureaus, and commissions, the
163 5 judicial branch, the general assembly and all legislative
163 6 agencies, institutions within the purview of the state board
163 7 of regents, and any corporation whose primary function is to
163 8 act as an instrumentality of the state.

163 9 2. State agencies are hereby encouraged to purchase
163 10 products from Iowa state industries, as defined in section
163 11 904.802, when purchases are required and the products are
163 12 available from Iowa state industries. State agencies shall
163 13 obtain bids from Iowa state industries for purchases of office
163 14 furniture exceeding \$5,000 or in accordance with applicable
163 15 administrative rules related to purchases for the agency.

163 16 Sec. 167. STATE PUBLIC DEFENDER. There is appropriated
163 17 from the general fund of the state to the office of the state
163 18 public defender of the department of inspections and appeals
163 19 for the fiscal year beginning July 1, 2004, and ending June
163 20 30, 2005, the following amounts, or so much thereof as is
163 21 necessary, to be allocated as follows for the purposes
163 22 designated:

163 23 1. For salaries, support, maintenance, and miscellaneous
163 24 purposes, and for not more than the following full-time
163 25 equivalent positions:
163 26 \$ 16,663,446
163 27 FTEs 202.00

163 28 2. For the fees of court-appointed attorneys for indigent
163 29 adults and juveniles, in accordance with section 232.141 and
163 30 chapter 815:
163 31 \$ 19,355,297

163 32 Sec. 168. IOWA LAW ENFORCEMENT ACADEMY.

163 33 1. There is appropriated from the general fund of the
163 34 state to the Iowa law enforcement academy for the fiscal year
163 35 beginning July 1, 2004, and ending June 30, 2005, the
164 1 following amount, or so much thereof as is necessary, to be
164 2 used for the purposes designated:

164 3 For salaries, support, maintenance, miscellaneous purposes,
164 4 including jailer training and technical assistance, and for
164 5 not more than the following full-time equivalent positions:
164 6 \$ 1,066,890
164 7 FTEs 30.05

164 8 It is the intent of the general assembly that the Iowa law
164 9 enforcement academy may provide training of state and local
164 10 law enforcement personnel concerning the recognition of and
164 11 response to persons with Alzheimer's disease.

164 12 2. The Iowa law enforcement academy may select at least
164 13 five automobiles of the department of public safety, division
164 14 of the Iowa state patrol, prior to turning over the
164 15 automobiles to the department of administrative services to be
164 16 disposed of by public auction and the Iowa law enforcement
164 17 academy may exchange any automobile owned by the academy for
164 18 each automobile selected if the selected automobile is used in
164 19 training law enforcement officers at the academy. However,
164 20 any automobile exchanged by the academy shall be substituted
164 21 for the selected vehicle of the department of public safety

164 22 and sold by public auction with the receipts being deposited
 164 23 in the depreciation fund to the credit of the department of
 164 24 public safety, division of the Iowa state patrol.
 164 25 Sec. 169. BOARD OF PAROLE. There is appropriated from the
 164 26 general fund of the state to the board of parole for the
 164 27 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 164 28 the following amount, or so much thereof as is necessary, to
 164 29 be used for the purposes designated:
 164 30 For salaries, support, maintenance, miscellaneous purposes,
 164 31 and for not more than the following full-time equivalent
 164 32 positions:
 164 33 \$ 1,067,910
 164 34 FTEs 16.50
 164 35 Sec. 170. DEPARTMENT OF PUBLIC DEFENSE. There is
 165 1 appropriated from the general fund of the state to the
 165 2 department of public defense for the fiscal year beginning
 165 3 July 1, 2004, and ending June 30, 2005, the following amounts,
 165 4 or so much thereof as is necessary, to be used for the
 165 5 purposes designated:
 165 6 1. MILITARY DIVISION
 165 7 For salaries, support, maintenance, miscellaneous purposes,
 165 8 and for not more than the following full-time equivalent
 165 9 positions:
 165 10 \$ 5,084,143
 165 11 FTEs 310.80
 165 12 If there is a surplus in the general fund of the state for
 165 13 the fiscal year ending June 30, 2005, within 60 days after the
 165 14 close of the fiscal year, the military division may incur up
 165 15 to an additional \$500,000 in expenditures from the surplus
 165 16 prior to transfer of the surplus pursuant to section 8.57.
 165 17 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 165 18 For salaries, support, maintenance, miscellaneous purposes,
 165 19 and for not more than the following full-time equivalent
 165 20 positions:
 165 21 \$ 1,123,400
 165 22 FTEs 25.25
 165 23 Sec. 171. DEPARTMENT OF PUBLIC SAFETY. There is
 165 24 appropriated from the general fund of the state to the
 165 25 department of public safety for the fiscal year beginning July
 165 26 1, 2004, and ending June 30, 2005, the following amounts, or
 165 27 so much thereof as is necessary, to be used for the purposes
 165 28 designated:
 165 29 1. For the department's administrative functions,
 165 30 including the criminal justice information system, and for not
 165 31 more than the following full-time equivalent positions:
 165 32 \$ 2,654,732
 165 33 FTEs 37.00
 165 34 2. For the division of criminal investigation and bureau
 165 35 of identification, including the state's contribution to the
 166 1 peace officers' retirement, accident, and disability system
 166 2 provided in chapter 97A in the amount of 17 percent of the
 166 3 salaries for which the funds are appropriated, to meet federal
 166 4 fund matching requirements, and for not more than the
 166 5 following full-time equivalent positions:
 166 6 \$ 14,058,510
 166 7 FTEs 221.50
 166 8 The department of public safety, with the approval of the
 166 9 department of management, may employ no more than two special
 166 10 agents and four gaming enforcement officers for each
 166 11 additional riverboat regulated after July 1, 2004, and one
 166 12 special agent for each racing facility which becomes
 166 13 operational during the fiscal year which begins July 1, 2004.
 166 14 One additional gaming enforcement officer, up to a total of
 166 15 four per riverboat, may be employed for each riverboat that
 166 16 has extended operations to 24 hours and has not previously
 166 17 operated with a 24-hour schedule. Positions authorized in
 166 18 this paragraph are in addition to the full-time equivalent
 166 19 positions otherwise authorized in this subsection.
 166 20 3. a. For the division of narcotics enforcement,
 166 21 including the state's contribution to the peace officers'
 166 22 retirement, accident, and disability system provided in
 166 23 chapter 97A in the amount of 17 percent of the salaries for
 166 24 which the funds are appropriated, to meet federal fund
 166 25 matching requirements, and for not more than the following
 166 26 full-time equivalent positions:
 166 27 \$ 3,930,089
 166 28 FTEs 59.00
 166 29 b. For the division of narcotics enforcement for
 166 30 undercover purchases:
 166 31 \$ 123,343
 166 32 4. a. For the state fire marshal's office, including the

166 33 state's contribution to the peace officers' retirement,
166 34 accident, and disability system provided in chapter 97A in the
166 35 amount of 17 percent of the salaries for which the funds are
167 1 appropriated, and for not more than the following full-time
167 2 equivalent positions:
167 3 \$ 2,181,998
167 4 FTEs 39.00
167 5 b. For the state fire marshal's office, for fire
167 6 protection services as provided through the state fire service
167 7 and emergency response council as created in the department,
167 8 and for not more than the following full-time equivalent
167 9 positions:
167 10 \$ 638,021
167 11 FTEs 12.00
167 12 5. For the division of the Iowa state patrol of the
167 13 department of public safety, for salaries, support,
167 14 maintenance, workers' compensation costs, and miscellaneous
167 15 purposes, including the state's contribution to the peace
167 16 officers' retirement, accident, and disability system provided
167 17 in chapter 97A in the amount of 17 percent of the salaries for
167 18 which the funds are appropriated, and for not more than the
167 19 following full-time equivalent positions:
167 20 \$ 42,517,133
167 21 FTEs 536.00
167 22 It is the intent of the general assembly that members of
167 23 the Iowa state patrol be assigned to patrol the highways and
167 24 roads in lieu of assignments for inspecting school buses for
167 25 the school districts.
167 26 It is the intent of the general assembly that approximately
167 27 one-half of the members of the Iowa state patrol assigned to
167 28 District 16 be reassigned to patrol duties on the highways and
167 29 roads, and that candidates from the department of public
167 30 safety's training school fill vacant positions at District 16
167 31 due to the reassignment.
167 32 6. For deposit in the public safety law enforcement sick
167 33 leave benefits fund established under section 80.42, for all
167 34 departmental employees eligible to receive benefits for
167 35 accrued sick leave under the collective bargaining agreement:
168 1 \$ 316,179
168 2 An employee of the department of public safety who retires
168 3 after July 1, 2004, but prior to June 30, 2005, is eligible
168 4 for payment of life or health insurance premiums as provided
168 5 for in the collective bargaining agreement covering the public
168 6 safety bargaining unit at the time of retirement if that
168 7 employee previously served in a position which would have been
168 8 covered by the agreement. The employee shall be given credit
168 9 for the service in that prior position as though it were
168 10 covered by that agreement. The provisions of this subsection
168 11 shall not operate to reduce any retirement benefits an
168 12 employee may have earned under other collective bargaining
168 13 agreements or retirement programs.
168 14 7. For costs associated with the training and equipment
168 15 needs of volunteer fire fighters and for not more than the
168 16 following full-time equivalent position:
168 17 \$ 559,587
168 18 FTEs 1.00
168 19 Notwithstanding section 8.33, moneys appropriated in this
168 20 subsection that remain unobligated or unexpended at the close
168 21 of the fiscal year shall not revert but shall remain available
168 22 for expenditure only for the purpose designated in this
168 23 subsection until the close of the succeeding fiscal year.
168 24 Sec. 172. CIVIL RIGHTS COMMISSION. There is appropriated
168 25 from the general fund of the state to the Iowa state civil
168 26 rights commission for the fiscal year beginning July 1, 2004,
168 27 and ending June 30, 2005, the following amount, or so much
168 28 thereof as is necessary, to be used for the purposes
168 29 designated:
168 30 For salaries, support, maintenance, miscellaneous purposes,
168 31 and for not more than the following full-time equivalent
168 32 positions:
168 33 \$ 825,752
168 34 FTEs 28.00
168 35 The Iowa state civil rights commission may enter into a
169 1 contract with a nonprofit organization to provide legal
169 2 assistance to resolve civil rights complaints.
169 3 Sec. 173. Section 13B.4, subsection 1, Code Supplement
169 4 2003, is amended to read as follows:
169 5 1. The state public defender, subject to the provisions of
169 6 section 13B.4A, shall coordinate the provision of legal
169 7 representation of all indigents under arrest or charged with a
169 8 crime, seeking postconviction relief, against whom a contempt

169 9 action is pending, in proceedings under chapter 229A, in
169 10 juvenile proceedings, on appeal in criminal cases, on appeal
169 11 in proceedings to obtain postconviction relief when ordered to
169 12 do so by the district court in which the judgment or order was
169 13 issued, and on a reopening of a sentence proceeding, and may
169 14 provide for the representation of indigents in proceedings
169 15 instituted pursuant to section 908.11. The state public
169 16 defender shall not engage in the private practice of law.

169 17 Sec. 174. Section 13B.4, subsection 2, Code Supplement
169 18 2003, as amended by 2004 Iowa Acts, House File 2138, section
169 19 1, if enacted, is amended to read as follows:

169 20 2. The state public defender shall file a notice with the
169 21 clerk of the district court in each county served by a public
169 22 defender designating which public defender office shall
169 23 receive notice of appointment of cases. The state public
169 24 defender may also designate a nonprofit organization which
169 25 ~~contracts~~ has a contract with the state public defender to
169 26 provide legal services to eligible indigent persons prior to
169 27 the effective date of this Act. Except as otherwise provided,
169 28 in each county in which the state public defender files a
169 29 designation, the state public defender's designee shall be
169 30 appointed by the court to represent all eligible indigents, in
169 31 all of the cases and proceedings specified in the designation.
169 32 The appointment shall not be made if the state public defender
169 33 notifies the court that the public defender designee will not
169 34 provide legal representation in certain cases as identified in
169 35 the designation by the state public defender.

170 1 Sec. 175. NEW SECTION. 13B.4A JUDICIAL DISTRICTS ==
170 2 COORDINATION WITH PUBLIC DEFENDER.

170 3 A judicial district by a majority vote of the district
170 4 judges may adopt rules and policies concerning the necessity
170 5 for expanding a local public defender office within or into
170 6 the judicial district. The rules and policies shall promote
170 7 cost containment and efficiencies related to court-appointed
170 8 attorney fees and shall consider the willingness of the local
170 9 private bar to represent indigents within the judicial
170 10 district.

170 11 Sec. 176. Section 13B.8, subsection 1, unnumbered
170 12 paragraph 1, Code 2003, is amended to read as follows:

170 13 The state public defender, subject to the provisions of
170 14 section 13B.4A, may establish or abolish local public defender
170 15 offices. In determining whether to establish or abolish a
170 16 local public defender office, the state public defender shall
170 17 consider the following:

170 18 Sec. 177. Section 85.66, Code 2003, is amended to read as
170 19 follows:

170 20 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.

170 21 The "Second Injury Fund" is hereby established under the
170 22 custody of the treasurer of state and shall consist of
170 23 payments to the fund as provided by this division and any
170 24 accumulated interest and earnings on moneys in the second
170 25 injury fund. The treasurer of state is charged with the
170 26 conservation of the assets of the second injury fund. Moneys
170 27 collected in the "Second Injury Fund" shall be disbursed only
170 28 for the purposes stated in this division, and shall not at any
170 29 time be appropriated or diverted to any other use or purpose.
170 30 The treasurer of state shall invest any surplus moneys of the
170 31 fund in securities which constitute legal investments for
170 32 state funds under the laws of this state, and may sell any of
170 33 the securities in which the fund is invested, if necessary,
170 34 for the proper administration or in the best interests of the
170 35 fund. Disbursements from the fund shall be paid by the
171 1 treasurer of state only upon the written order of the workers'
171 2 compensation commissioner. The attorney general shall be
171 3 reimbursed up to fifty thousand dollars annually from the fund
171 4 for services provided related to the fund. The treasurer of
171 5 state shall quarterly prepare a statement of the fund, setting
171 6 forth the balance of moneys in the fund, the income of the
171 7 fund, specifying the source of all income, the payments out of
171 8 the fund, specifying the various items of payments, and
171 9 setting forth the balance of the fund remaining to its credit.
171 10 The statement shall be open to public inspection in the office
171 11 of the treasurer of state.

171 12 Sec. 178. Section 85.67, Code 2003, is amended to read as
171 13 follows:

171 14 85.67 ADMINISTRATION OF FUND == SPECIAL COUNSEL == PAYMENT
171 15 OF AWARD.

171 16 The attorney general shall appoint a staff member to
171 17 represent the treasurer of state and the fund in all
171 18 proceedings and matters arising under this division. The
171 19 attorney general shall be reimbursed up to fifty thousand

171 20 dollars annually from the fund for services provided related
171 21 to the fund. The commissioner of insurance shall consider the
171 22 reimbursement to the attorney general as an outstanding
171 23 liability when making a determination of funding availability
171 24 under section 85.65A, subsection 2. In making an award under
171 25 this division, the workers' compensation commissioner shall
171 26 specifically find the amount the injured employee shall be
171 27 paid weekly, the number of weeks of compensation which shall
171 28 be paid by the employer, the date upon which payments out of
171 29 the fund shall begin, and, if possible, the length of time the
171 30 payments shall continue.

171 31 Sec. 179. Section 602.8107, subsection 4, unnumbered
171 32 paragraph 1, Code Supplement 2003, is amended to read as
171 33 follows:

171 34 All fines, penalties, court costs, fees, surcharges, and
171 35 restitution for court-appointed attorney fees or for expenses
172 1 of a public defender which are deemed delinquent by the clerk
172 2 pursuant to subsection 3 may be collected by the county
172 3 attorney or the county attorney's designee. Thirty-five
172 4 percent of the amounts collected by the county attorney or the
172 5 person procured or designated by the county attorney shall be
172 6 deposited in the general fund of the county if the county
172 7 attorney has filed the notice required in section 331.756,
172 8 subsection 5, unless the county attorney has discontinued
172 9 collection efforts on a particular delinquent amount. ~~The Up~~
172 10 ~~to one million two hundred thousand dollars of the remainder~~
172 11 ~~shall be paid each fiscal year to the clerk clerks for~~
172 12 ~~distribution under section 602.8108. If the threshold amount~~
172 13 ~~of one million two hundred thousand dollars has been~~
172 14 ~~distributed under section 602.8108, the remainder shall be~~
172 15 ~~distributed as provided in subsection 4A. The state court~~
172 16 ~~administrator shall notify the clerks that the threshold~~
172 17 ~~amount has been distributed under section 602.8108, and that~~
172 18 ~~the distribution of any additional moneys collected by the~~
172 19 ~~county attorney shall be as provided in subsection 4A.~~

172 20 Sec. 180. Section 602.8107, Code Supplement 2003, is
172 21 amended by adding the following new subsection:

172 22 NEW SUBSECTION. 4A. After the threshold amount has been
172 23 distributed under section 602.8108 as provided in subsection
172 24 4, thirty-five percent of any additional moneys collected by
172 25 the county attorney or the person procured or designated by
172 26 the county attorney shall be deposited in the general fund of
172 27 the county, and thirty-three percent of any additional moneys
172 28 collected by the county attorney or the person procured or
172 29 designated by the county attorney shall be deposited with the
172 30 office of the county attorney. The remainder shall be paid to
172 31 the clerk for distribution under section 602.8108.

172 32 Sec. 181. Section 815.9, subsection 1, paragraphs a and b,
172 33 Code 2003, are amended to read as follows:

172 34 a. A person is entitled to an attorney appointed by the
172 35 court to represent the person if the person has an income
173 1 level at or below one hundred ~~twenty-five~~ percent of the
173 2 United States poverty level as defined by the most recently
173 3 revised poverty income guidelines published by the United
173 4 States department of health and human services, unless the
173 5 court determines that the person is able to pay for the cost
173 6 of an attorney to represent the person on the pending case.
173 7 In making the determination of a person's ability to pay for
173 8 the cost of an attorney, the court shall consider not only the
173 9 person's income, but also the availability of any assets
173 10 subject to execution, including but not limited to cash,
173 11 stocks, bonds, and any other property which may be applied to
173 12 the satisfaction of judgments, and the seriousness of the
173 13 charge or nature of the case.

173 14 b. A person with an income level greater than one hundred
173 15 ~~twenty-five percent, but at or below two hundred~~ percent, of
173 16 the most recently revised poverty income guidelines published
173 17 by the United States department of health and human services
173 18 shall not be entitled to an attorney appointed by the court,
173 19 unless the court makes a written finding that not appointing
173 20 counsel on the pending case would cause the person substantial
173 21 hardship. In determining whether substantial hardship would
173 22 result, the court shall consider not only the person's income,
173 23 but also the availability of any assets subject to execution,
173 24 including but not limited to cash, stocks, bonds, and any
173 25 other property which may be applied to the satisfaction of
173 26 judgments, and the seriousness of the charge or nature of the
173 27 case.

173 28 Sec. 182. Section 815.10, subsection 1, Code 2003, is
173 29 amended to read as follows:

173 30 1. The court, for cause and upon its own motion or upon

173 31 application by an indigent person or a public defender, shall
173 32 appoint, subject to the provisions of section 13B.4A, the
173 33 state public defender's designee pursuant to section 13B.4, to
173 34 represent an indigent person at any stage of the criminal,
173 35 postconviction, contempt, commitment under chapter 229A, or
174 1 juvenile proceedings or on appeal of any criminal,
174 2 postconviction, contempt, commitment under chapter 229A, or
174 3 juvenile action in which the indigent person is entitled to
174 4 legal assistance at public expense. However, in juvenile
174 5 cases, the court may directly appoint an existing nonprofit
174 6 corporation established for and engaged in the provision of
174 7 legal services for juveniles. An appointment shall not be
174 8 made unless the person is determined to be indigent under
174 9 section 815.9. Only one attorney shall be appointed in all
174 10 cases, except that in class "A" felony cases the court may
174 11 appoint two attorneys.

174 12 Sec. 183. NEW SECTION. 904.118 IOWA CORRECTIONS OFFENDER
174 13 NETWORK == FUND.

174 14 An Iowa corrections offender network fund is established
174 15 under the control of the department. All sales, gifts, and
174 16 donations related to the Iowa offender network data system
174 17 shall be credited to the fund and the moneys in the fund are
174 18 appropriated to the department to be used for further
174 19 development and general maintenance of the Iowa corrections
174 20 offender network data system. Notwithstanding section 8.33,
174 21 moneys credited to the fund shall not revert to any other
174 22 fund. Notwithstanding section 12C.7, subsection 2, interest
174 23 or earnings on moneys deposited in the fund shall be credited
174 24 to the fund.

174 25 Sec. 184. Section 904.809, subsection 5, paragraph c, Code
174 26 2003, is amended by adding the following new subparagraph:

174 27 NEW SUBPARAGRAPH. (2A) The department may retain up to
174 28 fifty percent of any remaining balance after deductions made
174 29 under subparagraphs (1) and (2) if the remaining balance is
174 30 from an inmate employed in a new job created on or after July
174 31 1, 2004. The funds shall be used to staff supervision costs
174 32 of private sector employment of inmates at correctional
174 33 institutions. Funds retained pursuant to this subparagraph
174 34 shall not be used for administrative costs of the Iowa state
174 35 industries.

175 1 Sec. 185. Section 904.809, subsection 5, paragraph c,
175 2 subparagraph (3), Code 2003, is amended to read as follows:

175 3 (3) Any balance remaining after the deductions made under
175 4 subparagraphs (1), ~~and (2), and (2A)~~ shall represent the costs
175 5 of the inmate's incarceration and shall be deposited ~~7~~
175 6 ~~effective July 1, 2000,~~ in the general fund of the state.

175 7 Sec. 186. Section 907.9, subsections 1, 2, and 4, Code
175 8 Supplement 2003, are amended to read as follows:

175 9 1. At any time that the court determines that the purposes
175 10 of probation have been fulfilled and ~~the any~~ fees imposed
175 11 under ~~section sections 815.9 and 905.14~~ have been paid ~~or on~~
175 12 ~~condition that unpaid supervision fees be paid~~, the court may
175 13 order the discharge of a person from probation.

175 14 2. At any time that a probation officer determines that
175 15 the purposes of probation have been fulfilled and ~~the any~~ fees
175 16 imposed under ~~section sections 815.9 and 905.14~~ have been paid
175 17 ~~or on condition that unpaid supervision fees be paid~~, the
175 18 officer may order the discharge of a person from probation
175 19 after approval of the district director and notification of
175 20 the sentencing court and the county attorney who prosecuted
175 21 the case.

175 22 4. At the expiration of the period of probation and if the
175 23 fees imposed under ~~section sections 815.9 and 905.14~~ have been
175 24 paid or on condition that unpaid supervision fees be paid, the
175 25 court shall order the discharge of the person from probation,
175 26 and the court shall forward to the governor a recommendation
175 27 for or against restoration of citizenship rights to that
175 28 person. A person who has been discharged from probation shall
175 29 no longer be held to answer for the person's offense. Upon
175 30 discharge from probation, if judgment has been deferred under
175 31 section 907.3, the court's criminal record with reference to
175 32 the deferred judgment shall be expunged. The record
175 33 maintained by the state court administrator as required by
175 34 section 907.4 shall not be expunged. The court's record shall
175 35 not be expunged in any other circumstances.

176 1 Sec. 187. 1998 Iowa Acts, chapter 1101, section 15,
176 2 subsection 2, as amended by 1999 Iowa Acts, chapter 202,
176 3 section 25, as amended by 2000 Iowa Acts, chapter 1229,
176 4 section 25, as amended by 2001 Iowa Acts, chapter 186, section
176 5 21, as amended by 2002 Iowa Acts, Second Extraordinary
176 6 Session, chapter 1003, section 170, and as amended by 2003

176 7 Iowa Acts, chapter 174, section 17, is amended to read as
176 8 follows:

176 9 2. a. There is appropriated from surcharge moneys
176 10 received by the E911 administrator and deposited into the
176 11 wireless E911 emergency communications fund, for each fiscal
176 12 year in the fiscal period beginning July 1, 1998, and ending
176 13 June 30, ~~2004~~ 2005, an amount not to exceed two hundred
176 14 thousand dollars to be used for the implementation, support,
176 15 and maintenance of the functions of the E911 administrator.
176 16 The amount appropriated in this paragraph includes any amounts
176 17 necessary to reimburse the division of emergency management of
176 18 the department of public defense pursuant to paragraph "b".

176 19 b. Notwithstanding the distribution formula in section
176 20 34A.7A, as enacted in this Act, and prior to any such
176 21 distribution, of the initial surcharge moneys received by the
176 22 E911 administrator and deposited into the wireless E911
176 23 emergency communications fund, for each fiscal year in the
176 24 fiscal period beginning July 1, 1998, and ending June 30, ~~2004~~
176 25 2005, an amount is appropriated to the division of emergency
176 26 management of the department of public defense as necessary to
176 27 reimburse the division for amounts expended for the
176 28 implementation, support, and maintenance of the E911
176 29 administrator, including the E911 administrator's salary.

176 30 Sec. 188. IOWA LAW ENFORCEMENT ACADEMY == FEES.
176 31 Notwithstanding section 80B.11B, the Iowa law enforcement
176 32 academy may charge more than one-half the cost of providing
176 33 the basic training course if a majority of the Iowa law
176 34 enforcement academy council authorizes charging more than one=
176 35 half of the cost of providing basic training. This section is
177 1 repealed on June 30, 2005.

177 2 Sec. 189. STATE PUBLIC DEFENDER STUDY. The state public
177 3 defender in consultation with the indigent defense advisory
177 4 commission, the supreme court, the Iowa state bar association,
177 5 the Iowa association of criminal defense lawyers, and other
177 6 interested organizations, shall study cost saving methods that
177 7 can be implemented to deliver legal representation to indigent
177 8 defendants in a more efficient manner. The state public
177 9 defender, in cooperation with the entities consulted with,
177 10 shall file a report with the general assembly by December 15,
177 11 2004. The report shall include recommendations for achieving
177 12 efficiencies in the delivery of indigent defense services
177 13 including but not limited to the advisability of the state
177 14 public defender entering into indigent defense contracts for a
177 15 predetermined fee in specific types of cases.

177 16 Sec. 190. EFFECTIVE DATE. The provisions of this division
177 17 of this Act amending sections 13B.4, subsection 2, 85.66,
177 18 85.67, and 904.118, and 1998 Iowa Acts, chapter 1101, being
177 19 deemed of immediate importance, take effect upon enactment.

177 20 Sec. 191. RETROACTIVE APPLICABILITY DATE. The sections of
177 21 this division of this Act amending sections 13B.4, subsection
177 22 1, 13B.8, and 815.10, and enacting 13B.4A, being deemed of
177 23 immediate importance, take effect upon enactment and apply
177 24 retroactively to January 1, 2004.

177 25 DIVISION X
177 26 STANDING APPROPRIATIONS, SALARIES,
177 27 AND MISCELLANEOUS PROVISIONS

177 28 Sec. 192. GENERAL ASSEMBLY. The appropriations made
177 29 pursuant to section 2.12 for the expenses of the general
177 30 assembly and legislative agencies for the fiscal year
177 31 beginning July 1, 2004, and ending June 30, 2005, are reduced
177 32 by the following amount:

177 33 \$ 2,000,000

177 34 Sec. 193. Notwithstanding the standing appropriations in
177 35 the following designated sections for the fiscal year
178 1 beginning July 1, 2004, and ending June 30, 2005, the amounts
178 2 appropriated from the general fund of the state pursuant to
178 3 those sections for the following designated purposes shall not
178 4 exceed the following amounts:

178 5 1. For compensation of officers and enlisted persons and
178 6 their expenses while on state active duty as authorized in
178 7 section 29A.27:
178 8 \$ 421,639

178 9 2. For payment for nonpublic school transportation under
178 10 section 285.2:
178 11 \$ 7,955,541

178 12 If total approved claims for reimbursement for nonpublic
178 13 school pupil transportation claims exceed the amount
178 14 appropriated in this section, the department of education
178 15 shall prorate the amount of each claim.

178 16 3. For printing cigarette tax stamps under section 453A.7:
178 17 \$ 107,304

178 18 4. For the state's share of the cost of the peace
178 19 officers' retirement benefits under section 411.20:
178 20 \$ 2,745,784
178 21 5. For payment of livestock production credit refunds
178 22 under section 422.121:
178 23 \$ 1,770,342
178 24 6. For instructional support state aid under section
178 25 257.20:
178 26 \$ 14,428,271
178 27 7. For at-risk children programs under section 279.51,
178 28 subsection 1:
178 29 \$ 11,271,000
178 30 The amount of any reduction in this subsection shall be
178 31 prorated among the programs specified in section 279.51,
178 32 subsection 1, paragraphs "a", "b", and "c".
178 33 8. For paying claims against the state under section 25.2:
178 34 \$ 4,387,500
178 35 9. For administration expenses of the state unemployment
179 1 compensation law under chapter 96:
179 2 \$ 538,750
179 3 10. For payment of certain interest costs due the federal
179 4 government under the federal Cash Management and Improvement
179 5 Act under section 421.31:
179 6 \$ 436,250
179 7 11. For funding the state's deferred compensation program
179 8 established for state employees under section 509A.12:
179 9 \$ 55,088
179 10 12. For the educational excellence program under section
179 11 294A.25, subsection 1:
179 12 \$ 55,469,053
179 13 Sec. 194. HELP US STOP HUNGER. There is appropriated from
179 14 the general fund of the state of the department of natural
179 15 resources for the fiscal year beginning July 1, 2004, and
179 16 ending June 30, 2005, the following amount, or so much thereof
179 17 as is necessary, to be used as follows:
179 18 To expand the help us stop hunger pilot project:
179 19 \$ 17,000
179 20 Sec. 195. Section 8.55, subsection 2, paragraph d, Code
179 21 Supplement 2003, is amended to read as follows:
179 22 d. Notwithstanding paragraph "a", any moneys in excess of
179 23 the maximum balance in the economic emergency fund after the
179 24 distribution of the surplus in the general fund of the state
179 25 at the conclusion of each fiscal year and after the
179 26 appropriate amounts have been transferred pursuant to
179 27 paragraphs "b" and "c" shall not be transferred to the general
179 28 fund of the state but shall be transferred to the endowment
179 29 for Iowa's health account of the tobacco settlement trust
179 30 fund. The total amount transferred, in the aggregate, under
179 31 this paragraph for all fiscal years shall not exceed the
179 32 difference between one hundred ~~one~~ thirty-one million ~~seven~~
179 33 five hundred ~~fifty-one~~ thirty-six thousand dollars and the
179 34 amounts transferred to the endowment for Iowa's health account
179 35 to repay the amounts transferred or appropriated from the
180 1 endowment for Iowa's health account in 2002 Iowa Acts, chapter
180 2 1165, 2002 Iowa Acts, chapter 1166, 2002 Iowa Acts, chapter
180 3 1167, 2002 Iowa Acts, Second Extraordinary Session, chapter
180 4 1003, and 2003 Iowa Acts, chapter 183, and 2004 Iowa Acts,
180 5 Senate File 2298.
180 6 Sec. 196. Section 10C.5, Code 2003, is amended to read as
180 7 follows:
180 8 10C.5 REPEAL.
180 9 Sections 10C.1 through 10C.4 and this section are repealed
180 10 July 1, ~~2004~~ 2008.
180 11 Sec. 197. Section 10C.6, subsection 1, paragraph a,
180 12 unnumbered paragraph 1, Code 2003, is amended to read as
180 13 follows:
180 14 A life science enterprise may acquire or hold agricultural
180 15 land, notwithstanding section 10C.5 as that section exists in
180 16 the ~~2003~~ 2005 Code ~~or 2003 Code Supplement~~, if all of the
180 17 following apply:
180 18 Sec. 198. Section 10C.6, subsection 1, paragraph a,
180 19 subparagraphs (1) and (2), Code 2003, are amended to read as
180 20 follows:
180 21 (1) The life science enterprise acquires the agricultural
180 22 land on or before June 30, ~~2004~~ 2008.
180 23 (2) The enterprise acquires or holds the agricultural land
180 24 pursuant to chapter 10C as that chapter exists in the ~~2003~~
180 25 2005 Code ~~or 2003 Code Supplement~~.
180 26 Sec. 199. Section 28.3, subsection 2, Code 2003, is
180 27 amended to read as follows:
180 28 2. The Iowa board shall consist of ~~seventeen~~ eighteen

180 29 voting members with thirteen citizen members and ~~four~~ five
180 30 state agency members. The ~~four~~ five state agency members
180 31 shall be the directors of the following departments: economic
180 32 development, education, human rights, human services, and
180 33 public health. The thirteen citizen members shall be
180 34 appointed by the governor, subject to confirmation by the
180 35 senate. The governor's appointments of citizen members shall
181 1 be made in a manner so that each of the state's congressional
181 2 districts is represented by two citizen members and so that
181 3 all the appointments as a whole reflect the ethnic, cultural,
181 4 social, and economic diversity of the state. The governor's
181 5 appointees shall be selected from individuals nominated by
181 6 community empowerment area boards. The nominations shall
181 7 reflect the range of interests represented on the community
181 8 boards so that the governor is able to appoint one or more
181 9 members each for education, health, human services, business,
181 10 faith, and public interests. At least one of the citizen
181 11 members shall be a service consumer or the parent of a service
181 12 consumer. Terms of office of all citizen members are three
181 13 years. A vacancy on the board shall be filled in the same
181 14 manner as the original appointment for the balance of the
181 15 unexpired term.

181 16 Sec. 200. Section 35A.3, Code 2003, is amended by adding
181 17 the following new subsection:

181 18 NEW SUBSECTION. 14. To establish and operate a state
181 19 veterans cemetery and to make application to the government of
181 20 the United States or any subdivision, agency, or
181 21 instrumentality thereof, for funds for the purpose of
181 22 establishing such a cemetery. The state may enter into
181 23 agreements with any subdivision of the state for assistance in
181 24 operating the cemetery. The state shall own the land on which
181 25 the cemetery is located. The commission shall have the
181 26 authority to accept federal grant funds, funding from state
181 27 subdivisions, donations from private sources, and federal
181 28 "plot allowance" payments. All such funds shall be deposited
181 29 into an account dedicated to the establishment, operation, and
181 30 maintenance of a veterans cemetery and these funds shall be
181 31 expended only for those purposes. The commission through the
181 32 executive director shall have the authority to accept suitable
181 33 cemetery land, in accordance with federal veterans cemetery
181 34 grant guidelines, from the federal government, state
181 35 government, state subdivisions, private sources, and any other
182 1 source wishing to transfer land for use as a veterans
182 2 cemetery.

182 3 Sec. 201. Section 85.36, Code 2003, is amended by adding
182 4 the following new subsection:

182 5 NEW SUBSECTION. 5A. In the case of a school district
182 6 employee who is employed pursuant to a contract for a specific
182 7 period of time, and whose earnings are paid pursuant to a
182 8 contract for a different period of time than the period of
182 9 time during which the services are performed, the employee's
182 10 weekly earnings shall be based on the period of time for which
182 11 the earnings are paid rather than on the period of time during
182 12 which the services are performed.

182 13 Sec. 202. Section 208.16, subsection 2, Code 2003, is
182 14 amended to read as follows:

182 15 2. The division may establish procedures for transferring
182 16 the responsibility for reclamation of a mine site to a state
182 17 agency or political subdivision, or to a private entity, which
182 18 intends to use the site for other purposes. The division,
182 19 with agreement from the receiving agency or subdivision, or
182 20 from a private entity, to complete adequate reclamation, may
182 21 approve the transfer of responsibility, release the bond or
182 22 security, and terminate or amend the operator's authorization
182 23 to conduct mining on the site.

182 24 Sec. 203. Section 256.7, Code Supplement 2003, is amended
182 25 by adding the following new subsection:

182 26 NEW SUBSECTION. 26. Adopt rules directing the school
182 27 districts and area education agencies to submit annually data
182 28 from the most recent school year detailing contract settlement
182 29 increases for salaries and group health insurance plans
182 30 provided under collective bargaining agreements negotiated
182 31 pursuant to chapter 20. The department shall compile the data
182 32 in a report to be submitted by January 15 of each year to the
182 33 chairpersons and ranking members of the house and senate
182 34 standing committees on education and appropriations and of the
182 35 joint appropriations subcommittee on education.

183 1 Sec. 204. Section 256D.4, subsection 2, Code Supplement
183 2 2003, is amended to read as follows:

183 3 2. Moneys appropriated pursuant to section 256D.5,
183 4 subsection ~~3~~ 4, shall be allocated to school districts as

183 5 follows:

183 6 a. Allocation of the sum of ~~twenty nineteen~~ million five
183 7 hundred thousand dollars shall be based upon the proportion
183 8 that the kindergarten through grade three enrollment of a
183 9 district bears to the sum of the kindergarten through grade
183 10 three enrollments of all school districts in the state as
183 11 reported for the base year.

183 12 b. Allocation of the sum of ~~ten nine~~ million seven hundred
183 13 fifty thousand dollars shall be based upon the proportion that
183 14 the number of children who are eligible for free or reduced
183 15 price meals under the federal National School Lunch Act and
183 16 the federal Child Nutrition Act of 1966, 42 U.S.C. } 1751=
183 17 1785, in grades one through three of a school district bears
183 18 to the sum of the number of children who are eligible for free
183 19 or reduced price meals under the federal National School Lunch
183 20 Act and the federal Child Nutrition Act of 1966, 42 U.S.C. }
183 21 1751=1785, in grades one through three in all school districts
183 22 in the state for the base year.

183 23 Sec. 205. Section 256D.5, Code Supplement 2003, is amended
183 24 by adding the following new subsection:

183 25 NEW SUBSECTION. 4. For the fiscal year beginning July 1,
183 26 2004, and ending June 30, 2005, the sum of twenty-nine million
183 27 two hundred fifty thousand dollars.

183 28 Sec. 206. Section 256D.9, Code Supplement 2003, is amended
183 29 to read as follows:

183 30 256D.9 FUTURE REPEAL.

183 31 This chapter is repealed effective July 1, ~~2004~~ 2005.

183 32 Sec. 207. Section 257.8, subsection 1, Code Supplement
183 33 2003, is amended to read as follows:

183 34 1. STATE PERCENT OF GROWTH. ~~The state percent of growth~~
183 35 ~~for the budget year beginning July 1, 2003, is two percent.~~
184 1 The state percent of growth for the budget year beginning July
184 2 1, 2004, is two percent. The state percent of growth for the
184 3 budget year beginning July 1, 2005, and each subsequent budget
184 4 year shall be established by statute which shall be enacted
184 5 within thirty days of the submission in the year preceding the
184 6 base year of the governor's budget under section 8.21. The
184 7 establishment of the state percent of growth for a budget year
184 8 shall be the only subject matter of the bill which enacts the
184 9 state percent of growth for a budget year.

184 10 Sec. 208. Section 257.14, subsection 3, unnumbered
184 11 paragraph 1, Code 2003, is amended to read as follows:

184 12 For the budget year commencing July 1, 2004, and succeeding
184 13 budget years, ~~if the department of management determines that~~
184 14 ~~the regular program district cost of a school district for a~~
184 15 ~~budget year is less than one hundred one percent of the~~
184 16 ~~regular program district cost for the base year for that~~
184 17 ~~school district, a district shall be eligible for a budget~~
184 18 ~~adjustment corresponding to the following schedule:~~

184 19 Sec. 209. Section 257.16, Code 2003, is amended by adding
184 20 the following new subsection:

184 21 NEW SUBSECTION. 5. a. Notwithstanding subsection 1, the
184 22 amount appropriated from the general fund of the state for
184 23 state foundation and supplementary aid for the fiscal year
184 24 beginning July 1, 2004, and ending June 30, 2005, shall be the
184 25 sum of one billion eight hundred eighty-one million six
184 26 hundred eighty-eight thousand six hundred twenty-eight
184 27 dollars.

184 28 b. If the amount appropriated in this subsection is less
184 29 than the amount otherwise required pursuant to subsection 1,
184 30 the difference shall be deducted from the payments that
184 31 otherwise would have been required to be made to each school
184 32 district in the same ratio that the budget enrollment of the
184 33 school district for the budget year bears to the total budget
184 34 enrollment in the state for that budget year.

184 35 Sec. 210. Section 257.18, subsection 2, Code 2003, is
185 1 amended by adding the following new unnumbered paragraph:

185 2 NEW UNNUMBERED PARAGRAPH. Notwithstanding anything to the
185 3 contrary in this section, if the board adopts a resolution,
185 4 not later than April 15, 2004, to participate in the
185 5 instructional support program and a petition is not filed or
185 6 if the question is submitted to the registered voters of the
185 7 school district and the question is approved, the
185 8 authorization to participate shall be effective on the date
185 9 specified in the resolution.

185 10 Sec. 211. Section 257.35, Code Supplement 2003, is amended
185 11 by adding the following new subsections:

185 12 NEW SUBSECTION. 4. Notwithstanding subsection 1, and in
185 13 addition to the reduction applicable pursuant to subsection 2,
185 14 the state aid for area education agencies and the portion of
185 15 the combined district cost calculated for these agencies for

185 16 the fiscal year beginning July 1, 2004, shall be reduced by
185 17 the department of management by eleven million seven hundred
185 18 ninety-eight thousand seven hundred three dollars. The
185 19 reduction for each area education agency shall be equal to the
185 20 reduction that the agency received in the fiscal year
185 21 beginning July 1, 2003.

185 22 NEW SUBSECTION. 5. Notwithstanding section 257.37, an
185 23 area education agency may use the funds determined to be
185 24 available under this section in a manner which the area
185 25 education agency determines is appropriate to best maintain
185 26 the level of required area education agency special education
185 27 services. An area education agency may also use unreserved
185 28 fund balances for media services or education services in a
185 29 manner which the area education agency determines is
185 30 appropriate to best maintain the level of required area
185 31 education agency special education services.

185 32 Sec. 212. Section 261.9, subsection 1, unnumbered
185 33 paragraph 1, Code Supplement 2003, is amended to read as
185 34 follows:

185 35 "Accredited private institution" means an institution of
186 1 higher learning located in Iowa which is operated privately
186 2 and not controlled or administered by any state agency or any
186 3 subdivision of the state, except for ~~county hospitals colleges~~
186 4 as provided in paragraph "c" of this subsection, and which
186 5 meets ~~at least one of the criteria in paragraphs "a" through~~
186 6 ~~"c" and "b"~~ and all of the criteria in paragraphs "d" through
186 7 "g", except for colleges described in paragraph "c" of this
186 8 subsection:

186 9 Sec. 213. Section 261.9, subsection 1, paragraphs a
186 10 through c, Code Supplement 2003, are amended by striking the
186 11 paragraphs and inserting in lieu thereof the following:

186 12 a. Is accredited by the north central association of
186 13 colleges and secondary schools accrediting agency based on
186 14 their requirements and is exempt from taxation under section
186 15 501(c)(3) of the Internal Revenue Code.

186 16 b. Annually provide a matching aggregate amount of
186 17 institutional financial aid equal to at least seventy-five
186 18 percent of the amount received in a fiscal year by the
186 19 institution's students for Iowa tuition grant assistance under
186 20 this chapter. Commencing with the fiscal year beginning July
186 21 1, 2005, the matching aggregate amount of institutional
186 22 financial aid shall increase by the percentage of increase
186 23 each fiscal year of funds appropriated for Iowa tuition grants
186 24 under section 261.25, subsection 1, to a maximum match of one
186 25 hundred percent. The institution shall file annual reports
186 26 with the commission prior to receipt of tuition grant moneys
186 27 under this chapter.

186 28 c. Is a specialized college that is accredited by the
186 29 north central association of colleges and secondary schools
186 30 accrediting agency, and which offers health professional
186 31 programs that are affiliated with health care systems located
186 32 in Iowa.

186 33 Sec. 214. Section 273.3, Code 2003, is amended by adding
186 34 the following new subsection:

186 35 NEW SUBSECTION. 23. Submit annually data from the most
187 1 recent school year to the department of education detailing
187 2 contract settlement increases for salaries and group health
187 3 insurance plans provided under collective bargaining
187 4 agreements negotiated pursuant to chapter 20.

187 5 Sec. 215. Section 279.12, unnumbered paragraph 1, Code
187 6 Supplement 2003, is amended to read as follows:

187 7 The board shall carry into effect any instruction from the
187 8 regular election upon matters within the control of the
187 9 voters, and shall elect all teachers and make all contracts
187 10 necessary or proper for exercising the powers granted and
187 11 performing the duties required by law, and may establish and
187 12 pay all or any part thereof from school district funds the
187 13 cost of group health insurance plans, nonprofit group hospital
187 14 service plans, nonprofit group medical service plans and group
187 15 life insurance plans adopted by the board for the benefit of
187 16 employees of the school district, but the board may authorize
187 17 any subdirector to employ teachers for the school in the
187 18 subdirector's subdistrict; but no such employment by a
187 19 subdirector shall authorize a contract, the entire period of
187 20 which is wholly beyond the subdirector's term of office. The
187 21 board shall submit annually data from the most recent school
187 22 year to the department of education detailing contract
187 23 settlement increases for salaries and group health insurance
187 24 plans provided under collective bargaining agreements
187 25 negotiated pursuant to chapter 20.

187 26 Sec. 216. Section 280.14, Code Supplement 2003, is amended

187 27 by adding the following new subsection:

187 28 NEW SUBSECTION. 3. The board of directors of each school
187 29 district shall annually review school district expenditures
187 30 and identify and examine potential cost savings that can be
187 31 achieved in the delivery of administrative services and other
187 32 costs involved in the operation of the school district,
187 33 including but not limited to health insurance, maintenance of
187 34 facilities and buses, the acquisition of and distribution of
187 35 materials and supplies used by the school district, and the
188 1 delivery of transportation, human resource and financial
188 2 services, computer support services, and data management. The
188 3 school district shall consider cost saving partnership
188 4 opportunities with other school districts, area education
188 5 agencies, community colleges, libraries, cities, counties, or
188 6 other public or private entities. The results of the study
188 7 shall be presented to the public at a regularly scheduled
188 8 board meeting. The school district shall annually report the
188 9 cost savings to the department of education in a manner
188 10 prescribed by the department. The department shall annually
188 11 compile the information submitted by the school districts in a
188 12 report which the department shall submit to the general
188 13 assembly by December 31.

188 14 Sec. 217. Section 346.27, subsection 10, unnumbered
188 15 paragraph 1, Code Supplement 2003, is amended to read as
188 16 follows:

188 17 After the incorporation of an authority, and before the
188 18 sale of any issue of revenue bonds, except refunding bonds,
188 19 the authority shall call an election to decide the question of
188 20 whether the authority shall issue and sell revenue bonds. The
188 21 ballot shall state the amount of the bonds and the purposes
188 22 for which the authority is incorporated. ~~Registered voters of~~
~~188 23 the city and the unincorporated area~~ All registered voters of
188 24 the county shall be entitled to vote on the question. The
188 25 question may be submitted at a general election or at a
188 26 special election. An affirmative vote of a majority of the
188 27 votes cast on the question is required to authorize the
188 28 issuance and sale of revenue bonds.

188 29 Sec. 218. Section 346.27, subsection 25, unnumbered
188 30 paragraph 2, Code Supplement 2003, is amended to read as
188 31 follows:

188 32 The question of whether a conveyance shall be made shall be
188 33 submitted to the registered voters of the ~~city and the~~
~~188 34 unincorporated area of the county.~~ An affirmative vote equal
188 35 to at least a majority of the total votes cast on the question
189 1 shall be required to authorize the conveyance. If the
189 2 question does not carry, the authority shall continue to
189 3 operate, maintain, and manage the building under a lease
189 4 arrangement with the incorporating units.

189 5 Sec. 219. Section 372.13, subsection 10, Code 2003, is
189 6 amended to read as follows:

189 7 10. A council member, during the term for which that
189 8 member is elected, is not precluded from holding the office of
189 9 chief of the volunteer fire department if the fire department
189 10 serves an area with a population of not more than two
189 11 thousand, ~~and if no other candidate who is not a city council~~
~~189 12 member is available to hold the office of chief of the~~
~~189 13 volunteer fire department.~~ A person holding the office of
189 14 chief of such a volunteer fire department at the time of the
189 15 person's election to the city council may continue to hold the
189 16 office of chief of the fire department during the city council
189 17 term for which that person was elected.

189 18 Sec. 220. Section 404A.2, unnumbered paragraph 1, Code
189 19 2003, is amended to read as follows:

189 20 The amount of the credit equals twenty-five percent of the
189 21 qualified rehabilitation costs made to eligible property. In
189 22 the case of commercial property, rehabilitation costs must
189 23 equal at least fifty percent of the assessed value of the
189 24 property, excluding the land, prior to the rehabilitation. In
189 25 the case of residential property or barns, the rehabilitation
189 26 costs must equal at least twenty-five thousand dollars or
189 27 twenty-five percent of the fair market value, excluding the
189 28 land, prior to the rehabilitation, whichever is less. In
189 29 computing the tax credit for eligible property that is
189 30 classified as residential or as commercial with multifamily
189 31 residential units, the rehabilitation costs used shall not
189 32 exceed one hundred thousand dollars per residential unit. In
189 33 computing the tax credit, the only costs which may be included
189 34 are the rehabilitation costs incurred between the period
189 35 ending on the project completion date and beginning on the
190 1 ~~later of either the date of issuance of the approval of the~~
~~190 2 project as provided in section 404A.3 or date two years prior~~

190 3 to the project completion date, provided that any qualified
190 4 rehabilitation costs incurred prior to the date of approval of
190 5 the project as provided in section 404A.3 must be qualified
190 6 rehabilitation expenditures under the federal rehabilitation
190 7 credit in section 47 of the Internal Revenue Code.
190 8 Sec. 221. Section 422E.1, subsection 2, Code Supplement
190 9 2003, is amended to read as follows:
190 10 2. The maximum rate of tax shall be one percent. The tax
190 11 shall be imposed without regard to any other local sales and
190 12 services tax authorized in chapter 422B, and is repealed at
190 13 the expiration of a period of ten years of imposition or a
190 14 shorter period as provided in the ballot proposition. However,
190 15 all local option sales and services taxes for school
190 16 infrastructure purposes are repealed December 31, 2022. The
190 17 term of bonds issued pursuant to section 422E.4 shall not
190 18 exceed ten years, except in the case of bonds issued by a
190 19 school district located in a county that approved the
190 20 imposition of the tax at an election held on June 17, 2003.
190 21 Sec. 222. Section 422E.2, subsection 4, paragraph a, Code
190 22 Supplement 2003, is amended to read as follows:
190 23 a. Each school district located within the county may
190 24 submit a revenue purpose statement to the county commissioner
190 25 of elections no later than sixty days prior to the election
190 26 indicating the specific purpose or purposes for which the
190 27 local sales and services tax for school infrastructure revenue
190 28 and supplemental school infrastructure amount revenue will be
190 29 expended. The revenues received pursuant to this chapter
190 30 shall be expended for the purposes indicated in the revenue
190 31 purpose statement. The revenue purpose statement may include
190 32 information regarding the school district's use of the
190 33 revenues to provide for property tax relief or debt reduction.
190 34 A copy of the revenue purpose statement shall be made
190 35 available for public inspection in accordance with chapter 22,
191 1 shall be posted at the appropriate polling places of each
191 2 school district during the hours that the polls are open, and
191 3 be published in a newspaper of general circulation in the
191 4 school district no sooner than twenty days and no later than
191 5 ten days prior to the election. Notwithstanding the
191 6 requirements for a revenue purpose statement in this
191 7 paragraph, for elections occurring after April 1, 2003, but
191 8 before August 1, 2003, a revenue purpose statement submitted
191 9 not later than April 1, 2004, shall be considered to have met
191 10 the requirements of this paragraph.
191 11 Sec. 223. Section 422E.3A, subsection 2, paragraph b,
191 12 subparagraph (4), Code Supplement 2003, is amended by striking
191 13 the subparagraph.
191 14 Sec. 224. Section 422E.4, unnumbered paragraph 1, Code
191 15 Supplement 2003, is amended to read as follows:
191 16 The board of directors of a school district shall be
191 17 authorized to issue negotiable, interest-bearing school bonds,
191 18 without election, and utilize tax receipts derived from the
191 19 sales and services tax for school infrastructure purposes and
191 20 the supplemental school infrastructure amount distributed
191 21 pursuant to section 422E.3A, subsection 2, paragraph "b", for
191 22 principal and interest repayment. Proceeds of the bonds
191 23 issued pursuant to this section shall be utilized solely for
191 24 school infrastructure needs as school infrastructure is
191 25 defined in section 422E.1, subsection 3. ~~Issuance of bonds~~
191 26 ~~pursuant to this section shall be permitted only in a district~~
191 27 ~~which has imposed a local sales and services tax for school~~
191 28 ~~infrastructure purposes pursuant to section 422E.2. The~~
191 29 ~~provisions of sections 298.22 through 298.24 shall apply~~
191 30 ~~regarding the form, rate of interest, registration,~~
191 31 ~~redemption, and recording of bond issues pursuant to this~~
191 32 ~~section, with the exception that the maximum period during~~
191 33 ~~which principal on the bonds is payable shall not exceed the~~
191 34 ~~date of repeal stated on the ballot proposition. Bonds issued~~
191 35 ~~under this section may be sold at public or private sale as~~
192 1 ~~provided in chapter 75 without notice and hearing as provided~~
192 2 ~~in section 73A.12. Bonds may bear dates, bear interest at~~
192 3 ~~rates not exceeding that permitted by chapter 74A, mature in~~
192 4 ~~one or more installments, be in registered form, carry~~
192 5 ~~registration and conversion privileges, be payable as to~~
192 6 ~~principal and interest at times and places, be subject to~~
192 7 ~~terms of redemption prior to maturity with or without premium,~~
192 8 ~~and be in one or more denominations, all as provided by the~~
192 9 ~~resolution of the board of directors authorizing their~~
192 10 ~~issuance. The resolution may also prescribe additional~~
192 11 ~~provisions, terms, conditions, and covenants which the board~~
192 12 ~~of directors deems advisable, including provisions for~~
192 13 ~~creating and maintaining reserve funds, the issuance of~~

192 14 additional bonds ranking on a parity with such bonds and
192 15 additional bonds junior and subordinate to such bonds, and
192 16 that such bonds shall rank on a parity with or be junior and
192 17 subordinate to any bonds which may be then outstanding. Bonds
192 18 may be issued to refund outstanding and previously issued
192 19 bonds under this section. Local option sales and services tax
192 20 revenue bonds are a contract between the school district and
192 21 holders, and the resolution issuing the bonds and pledging
192 22 local option sales and services tax revenues to the payment of
192 23 principal and interest on the bonds is a part of the contract.
192 24 Bonds issued pursuant to this section shall not constitute
192 25 indebtedness within the meaning of any constitutional or
192 26 statutory debt limitation or restriction, and shall not be
192 27 subject to any other law relating to the authorization,
192 28 issuance, or sale of bonds.

192 29 Sec. 225. PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

192 30 Notwithstanding the amount of the standing appropriation from
192 31 the general fund of the state in the following designated
192 32 sections and notwithstanding any conflicting provisions or
192 33 voting requirements of section 8.56, there is appropriated
192 34 from the cash reserve fund in lieu of the appropriations in
192 35 the following designated sections for the fiscal year

193 1 beginning July 1, 2004, and ending June 30, 2005, the
193 2 following amounts for the following designated purposes:

193 3 1. For reimbursement for the homestead property tax credit
193 4 under section 425.1:

193 5 \$102,945,379

193 6 2. For reimbursement for the agricultural land and family
193 7 farm tax credits under sections 425A.1 and 426.1:

193 8 \$ 34,610,183

193 9 3. For reimbursement for the military service tax credit
193 10 under section 426A.1A:

193 11 \$ 2,568,402

193 12 4. For implementing the elderly and disabled credit and
193 13 reimbursement pursuant to sections 425.16 through 425.40:

193 14 \$ 19,540,000

193 15 If the sum of the amount of claims for credit for property
193 16 taxes due plus the amount of claims for reimbursement for rent
193 17 constituting property tax paid which are to be paid during the
193 18 fiscal year beginning July 1, 2004, exceeds the amount
193 19 appropriated in this subsection, the director of revenue shall
193 20 prorate the payments for the property tax credit and for
193 21 reimbursement for rent constituting property tax paid. In
193 22 order for the director to carry out the requirements of this
193 23 subsection, notwithstanding any provision to the contrary in
193 24 chapter 425, claims for reimbursement for rent constituting
193 25 property taxes paid filed before May 1, 2005, shall be
193 26 eligible to be paid during the fiscal year ending June 30,
193 27 2005, and those claims filed on or after May 1, 2005, shall be
193 28 eligible to be paid during the fiscal year beginning July 1,
193 29 2005, and the director is not required to make payments to
193 30 counties for the property tax credit before June 15, 2005.

193 31 Sec. 226. Section 455B.174, subsection 4, Code 2003, is
193 32 amended by adding the following new paragraph:

193 33 NEW PARAGRAPH. e. If a public water supply has a
193 34 groundwater source that contains petroleum, a fraction of
193 35 crude oil, or their degradation products, or is located in an
194 1 area deemed by the department as likely to be contaminated by
194 2 such materials, the department may require the public water
194 3 supply to replace that groundwater source in order to receive
194 4 a permit to operate. The requirement to replace the source
194 5 shall only be made by the department if the public water
194 6 supply is fully compensated for any additional design,
194 7 construction, operation, and monitoring costs from the Iowa
194 8 comprehensive petroleum underground storage tank fund created
194 9 by chapter 455G or from any other funds that are made
194 10 available. The department cannot require a public water
194 11 supply to replace its water source with a less reliable water
194 12 source or with a source that does not meet federal primary,
194 13 secondary, or other health-based standards unless treatment is
194 14 provided to ensure that the drinking water meets these
194 15 standards. The department may designate whether the public
194 16 water supply will replace the groundwater source or obtain its
194 17 drinking water from another public water supply.

194 18 Sec. 227. Section 455B.310, Code 2003, is amended by
194 19 adding the following new subsection:

194 20 NEW SUBSECTION. 10. Nonmetallic material processed by an
194 21 industrial shredder, and commonly referred to as shredder
194 22 fluff, which is disposed of as solid waste or otherwise used
194 23 by a sanitary landfill is exempt from the imposition of the
194 24 tonnage fee under this section.

194 25 Sec. 228. Section 535.8, subsection 2, paragraph b,
194 26 unnumbered paragraph 2, Code 2003, as amended by 2004 Iowa
194 27 Acts, House File 2484, if enacted, is amended to read as
194 28 follows:

194 29 The lender shall not charge the borrower for the cost of
194 30 revenue stamps or real estate commissions which are paid by
194 31 the seller.

194 32 The collection of any costs other than as expressly
194 33 permitted by this paragraph "b" is prohibited. However,
194 34 additional costs incurred in connection with a loan under this
194 35 paragraph "b", if bona fide and reasonable, may be collected
195 1 by a state-chartered financial institution licensed under
195 2 chapter 524, 533, or 534, to the extent permitted under
195 3 applicable federal law as determined by the office of the
195 4 comptroller of the currency of the United States department of
195 5 treasury, the national credit union ~~association~~
195 6 ~~administration~~, or the office of thrift supervision of the
195 7 United States department of treasury. Such costs shall apply
195 8 only to the same type of ~~state-chartered state-chartered~~
195 9 entity as the federally chartered entity affected and to an
195 10 insurer organized under chapter 508 or 515, or otherwise
195 11 authorized to conduct the business of insurance in this state.

195 12 Sec. 229. Section 668B.2, subsection 1, if enacted by 2004
195 13 Iowa Acts, House File 2440, section 2, is amended to read as
195 14 follows:

195 15 1. "Health care provider" means a physician as defined in
195 16 section 135.1, a licensed physician assistant as defined in
195 17 section 148C.1, a nurse, including an advanced registered
195 18 nurse practitioner, licensed pursuant to chapter 152, a
195 19 hospital as defined in section 135B.1, and a health care
195 20 facility as defined in section 135C.1, and a federally
195 21 licensed, regulated, or registered nonprofit blood bank, blood
195 22 center, or plasma center that is collecting, processing, or
195 23 distributing whole human blood, blood components, plasma,
195 24 blood fractions, or blood derivatives for use by a licensed
195 25 health care provider.

195 26 Sec. 230. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==
195 27 GENERAL FUND. The various state departments, boards,
195 28 commissions, councils, and agencies, including the state board
195 29 of regents, for the fiscal year beginning July 1, 2004, and
195 30 ending June 30, 2005, shall provide from available sources pay
195 31 adjustments, expense reimbursements, and related benefits to
195 32 fully fund the following:

195 33 1. The collective bargaining agreement negotiated pursuant
195 34 to chapter 20 for employees in the blue collar bargaining
195 35 unit.

196 1 2. The collective bargaining agreement negotiated pursuant
196 2 to chapter 20 for employees in the public safety bargaining
196 3 unit.

196 4 3. The collective bargaining agreement negotiated pursuant
196 5 to chapter 20 for employees in the security bargaining unit.

196 6 4. The collective bargaining agreement negotiated pursuant
196 7 to chapter 20 for employees in the technical bargaining unit.

196 8 5. The collective bargaining agreement negotiated pursuant
196 9 to chapter 20 for employees in the professional fiscal and
196 10 staff bargaining unit.

196 11 6. The collective bargaining agreement negotiated pursuant
196 12 to chapter 20 for employees in the clerical bargaining unit.

196 13 7. The collective bargaining agreement negotiated pursuant
196 14 to chapter 20 for employees in the professional social
196 15 services bargaining unit.

196 16 8. The collective bargaining agreement negotiated pursuant
196 17 to chapter 20 for employees in the community-based corrections
196 18 bargaining unit.

196 19 9. The collective bargaining agreements negotiated
196 20 pursuant to chapter 20 for employees in the judicial branch of
196 21 government bargaining units.

196 22 10. The collective bargaining agreement negotiated
196 23 pursuant to chapter 20 for employees in the patient care
196 24 bargaining unit.

196 25 11. The collective bargaining agreement negotiated
196 26 pursuant to chapter 20 for employees in the science bargaining
196 27 unit.

196 28 12. The collective bargaining agreement negotiated
196 29 pursuant to chapter 20 for employees in the university of
196 30 northern Iowa faculty bargaining unit.

196 31 13. The collective bargaining agreement negotiated
196 32 pursuant to chapter 20 for employees in the state university
196 33 of Iowa graduate student bargaining unit.

196 34 14. The collective bargaining agreement negotiated
196 35 pursuant to chapter 20 for employees in the state university

197 1 of Iowa hospital and clinics tertiary health care bargaining
197 2 unit.
197 3 15. The annual pay adjustments, related benefits, and
197 4 expense reimbursements referred to in section 230 of this
197 5 division of this Act for employees not covered by a collective
197 6 bargaining agreement.

197 7 Sec. 231. NONCONTRACT STATE EMPLOYEES == GENERAL.

197 8 1. a. For the fiscal year beginning July 1, 2004, the
197 9 maximum salary levels of all pay plans provided for in section
197 10 8A.413, subsection 2, as they exist for the fiscal year ending
197 11 June 30, 2004, shall be increased by 2 percent for the pay
197 12 period beginning December 31, 2004, and any additional changes
197 13 in the pay plans shall be approved by the governor.

197 14 b. For the fiscal year beginning July 1, 2004, employees
197 15 may receive a step increase or the equivalent of a step
197 16 increase.

197 17 2. The pay plans for state employees who are exempt from
197 18 chapter 8A, Article 4, and who are included in the department
197 19 of administrative service's centralized payroll system shall
197 20 be increased in the same manner as provided in subsection 1,
197 21 and any additional changes in any executive branch pay plans
197 22 shall be approved by the governor.

197 23 3. This section does not apply to members of the general
197 24 assembly, board members, commission members, salaries of
197 25 persons set by the general assembly pursuant to this division
197 26 of this Act or set by the governor, employees designated under
197 27 section 8A.412, subsection 5, and employees covered by 11 IAC
197 28 53.6(3).

197 29 4. The pay plans for the bargaining eligible employees of
197 30 the state other than the employees of the state board of
197 31 regents shall be increased in the same manner as provided in
197 32 subsection 1, and any additional changes in such executive
197 33 branch pay plans shall be approved by the governor. As used
197 34 in this section, "bargaining eligible employee" means an
197 35 employee who is eligible to organize under chapter 20, but has
198 1 not done so.

198 2 5. The policies for implementation of this section shall
198 3 be approved by the governor.

198 4 Sec. 232. APPROPRIATIONS FROM ROAD FUNDS.

198 5 1. There is appropriated from the road use tax fund to the
198 6 salary adjustment fund for the fiscal year beginning July 1,
198 7 2004, and ending June 30, 2005, the following amount, or so
198 8 much thereof as may be necessary, to be used for the purpose
198 9 designated:

198 10 To supplement other funds appropriated by the general
198 11 assembly:

198 12 \$ 3,000,000

198 13 2. There is appropriated from the primary road fund to the
198 14 salary adjustment fund, for the fiscal year beginning July 1,
198 15 2004, and ending June 30, 2005, the following amount, or so
198 16 much thereof as may be necessary, to be used for the purpose
198 17 designated:

198 18 To supplement other funds appropriated by the general
198 19 assembly:

198 20 \$ 12,000,000

198 21 3. Except as otherwise provided in this division of this
198 22 Act, the amounts appropriated in subsections 1 and 2 shall be
198 23 used to fund the annual pay adjustments, expense
198 24 reimbursements, and related benefits for public employees as
198 25 provided in this division of this Act.

198 26 Sec. 233. SPECIAL FUNDS == AUTHORIZATION. To departmental
198 27 revolving, trust, or special funds, except for the primary
198 28 road fund or the road use tax fund, for which the general
198 29 assembly has established an operating budget, a supplemental
198 30 expenditure authorization is provided, unless otherwise
198 31 provided, in an amount necessary to fund salary adjustments as
198 32 otherwise provided in this division of this Act.

198 33 Sec. 234. FEDERAL FUNDS APPROPRIATED. All federal grants
198 34 to and the federal receipts of the agencies affected by this
198 35 division of this Act which are received and may be expended
199 1 for purposes of pay adjustments and related benefits as
199 2 covered in this division of this Act are appropriated for
199 3 those purposes and as set forth in the federal grants or
199 4 receipts.

199 5 Sec. 235. STATE TROOPER MEAL ALLOWANCE. The sworn peace
199 6 officers in the department of public safety who are not
199 7 covered by a collective bargaining agreement negotiated
199 8 pursuant to chapter 20 shall receive the same per diem meal
199 9 allowance as the sworn peace officers in the department of
199 10 public safety who are covered by a collective bargaining
199 11 agreement negotiated pursuant to chapter 20.

199 12 Sec. 236. 2001 Iowa Acts, chapter 174, section 1,
199 13 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,
199 14 section 8, and 2003 Iowa Acts, chapter 179, section 38, is
199 15 amended to read as follows:

199 16 2. There is appropriated from the general fund of the
199 17 state to the endowment for Iowa's health account of the
199 18 tobacco settlement trust fund created in section 12E.12, for
199 19 the designated fiscal years, the following amounts, to be used
199 20 for the purposes specified in section 12E.12 for the endowment
199 21 for Iowa's health account:

199 22	FY 2001=2002	\$ 7,248,000
199 23	FY 2003=2004	\$ 0
199 24	FY 2004=2005	\$ 29,785,000
199 25		0
199 26	FY 2005=2006	\$ 29,562,000
199 27	FY 2006=2007	\$ 17,773,000

199 28 Sec. 237. 2003 Iowa Acts, chapter 179, section 21,
199 29 unnumbered paragraph 5, is amended to read as follows:

199 30 Notwithstanding section 8.33, unencumbered or unobligated
199 31 funds remaining on June 30, 2003, from the appropriation made
199 32 in this section shall not revert but shall remain available to
199 33 be used for the purposes designated in the following fiscal
~~199 34 year until the end of the fiscal year beginning July 1, 2004.~~

199 35 Sec. 238. STATE BOARD OF REGENTS BONDING.

200 1 1. FINDINGS. The general assembly finds that:

200 2 a. Pursuant to section 262A.3, the state board of regents
200 3 prepared and within seven days after the convening of the
200 4 Eightieth General Assembly of the State of Iowa, Second
200 5 Session, submitted to the Eightieth General Assembly, Second
200 6 Session, for approval the proposed five-year building program
200 7 for each institution of higher learning under the jurisdiction
200 8 of the board, containing a list of the buildings and
200 9 facilities which the board deems necessary to further the
200 10 educational objectives of the institutions, together with an
200 11 estimate of the cost of each of the buildings and facilities
200 12 and an estimate of the maximum amount of revenue bonds which
200 13 the board expects to issue under chapter 262A to finance the
200 14 costs of the projects.

200 15 b. The projects contained in the capital improvement
200 16 program are deemed necessary for the proper performance of the
200 17 instructional, research, and service functions of the
200 18 institutions.

200 19 c. Section 262A.4 provides that the state board of
200 20 regents, after authorization by a constitutional majority of
200 21 each house of the general assembly and approval by the
200 22 governor, may undertake and carry out at the institutions of
200 23 higher learning under the jurisdiction of the board any
200 24 project as defined in chapter 262A.

200 25 d. Chapter 262A authorizes the state board of regents to
200 26 borrow moneys and to issue and sell negotiable revenue bonds
200 27 to pay all or any part of the cost of carrying out projects at
200 28 any institution payable solely from and secured by an
200 29 irrevocable pledge of a sufficient portion of the student fees
200 30 and charges and institutional income received by the
200 31 particular institution.

200 32 e. To further the educational objectives of the
200 33 institutions, the state board of regents requests
200 34 authorization to undertake and carry out certain projects at
200 35 this time and to finance their costs by borrowing moneys and
201 1 issuing negotiable bonds under chapter 262A in a total amount
201 2 as provided in this section, with the remaining costs of the
201 3 projects to be financed by appropriations or by federal or
201 4 other funds lawfully available.

201 5 2. APPROVAL == LIMITS.

201 6 a. The proposed five-year building program submitted by
201 7 the state board of regents for each institution of higher
201 8 learning under its jurisdiction is approved and no commitment
201 9 is implied or intended by approval to fund any portion of the
201 10 proposed five-year building program submitted by the state
201 11 board of regents beyond the portion that is financed and
201 12 approved by the Eightieth General Assembly, Second Session,
201 13 and the governor.

201 14 b. The maximum amount of bonds which the state board of
201 15 regents expects to issue under chapter 262A, unless additional
201 16 bonding is authorized, is set forth in this section, and this
201 17 plan of financing is approved.

201 18 3. PROJECTS. The state board of regents is authorized to
201 19 undertake, plan, construct, improve, repair, remodel, furnish,
201 20 and equip, and otherwise carry out the following projects at
201 21 the institutions of higher learning under the jurisdiction of
201 22 the board, and the general assembly authorizes the state board

201 23 of regents to borrow moneys and to issue and sell negotiable
201 24 revenue bonds in the amount of \$120,000,000 in the manner
201 25 provided in sections 262A.5 and 262A.6 in order to pay all or
201 26 any part of the costs of carrying out the projects at the
201 27 institutions as follows:

- 201 28 a. Iowa state university of science and technology
- 201 29 For the veterinary teaching hospital == diagnostic lab,
- 201 30 Coover hall == information science, and for fire safety costs:
- 201 31 \$ 48,000,000
- 201 32 b. State university of Iowa
- 201 33 For the chemistry building renovation, phase II of the art
- 201 34 building renovation, and for fire safety costs:
- 201 35 \$ 50,000,000
- 202 1 c. University of northern Iowa
- 202 2 For the science buildings renovation project and for the
- 202 3 Russell hall renovation:
- 202 4 \$ 22,000,000
- 202 5 Total \$120,000,000

202 6 4. Notwithstanding the limitation established in
202 7 subsection 3, the amount of bonds issued as authorized in
202 8 subsection 3 may be exceeded by the amount the state board of
202 9 regents determines to be necessary to capitalize bond
202 10 reserves, interest during construction, and issuance costs.

202 11 Sec. 239. COMMERCIAL VEHICLE REGISTRATION FEES == REFUND.
202 12 Notwithstanding the provisions relating to the registration of
202 13 commercial vehicles, as defined in section 321.1, the
202 14 requirement of the return of the registration plate and
202 15 registration receipt to the state department of
202 16 transportation, and the time limit for applying for a refund,
202 17 any person that sold a commercial vehicle between January 1,
202 18 2002, and April 1, 2002, shall receive a refund of any
202 19 registration fees, penalties, or interest assessed related to
202 20 the registration of such vehicle for a registration year
202 21 beginning in the 2002 calendar year if all of the following
202 22 apply:

- 202 23 1. The person failed to register the commercial vehicle
- 202 24 for the registration year beginning in the 2002 calendar year.
- 202 25 2. The commercial vehicle was sold by the person to
- 202 26 another during the period beginning January 1, 2002, and
- 202 27 ending April 1, 2002, and the purchaser registered the vehicle
- 202 28 for all or part of the registration year beginning in the 2002
- 202 29 calendar year.
- 202 30 3. A claim for refund pursuant to this section is filed
- 202 31 with the state department of transportation after the
- 202 32 effective date of this section and prior to August 1, 2004.

202 33 Sec. 240. ACCESS TO NECESSARY PRESCRIPTION DRUGS == FREE
202 34 CLINIC TEST PROGRAM FOR PERSONS WHO ARE UNINSURED OR
202 35 UNDERINSURED. There is appropriated from the general fund of
203 1 the state to the Iowa department of public health for the
203 2 fiscal year beginning July 1, 2004, and ending June 30, 2005,
203 3 the following amount, or so much thereof as is necessary, to
203 4 be used for the purpose designated:

- 203 5 For the bureau of health care access to issue a grant in
- 203 6 accordance with this section:
- 203 7 \$ 10,000

203 8 The entire amount appropriated in this section shall be
203 9 issued by the bureau as a grant to a free clinic, as defined
203 10 in section 135.24, operating in one county. The grant shall
203 11 be used by the free clinic to establish a partnership and test
203 12 program for a buying cooperative approach for purchasing
203 13 prescription drugs at a price less than retail. The
203 14 prescription drugs purchased through the approach shall be
203 15 provided to patients of the free clinic who are uninsured or
203 16 underinsured.

203 17 Sec. 241. CHARTER AGENCIES == FULL=TIME EQUIVALENT
203 18 EMPLOYEE LIMITS == REVERSIONS.

203 19 1. Notwithstanding any limitation on the number of full=
203 20 time equivalent employees for the fiscal year beginning July
203 21 1, 2004, and ending June 30, 2005, stated in this Act or any
203 22 other Act, the personnel management provisions of section
203 23 7J.1, subsection 4, shall remain applicable to those state
203 24 departments or agencies designated as a charter agency under
203 25 chapter 7J.

203 26 2. The provisions of section 7J.1, subsection 3, paragraph
203 27 "c", relating to reversions, are not applicable to any
203 28 appropriation made to a charter agency that this Act or any
203 29 other Act provides is not subject to reversion.

203 30 Sec. 242. PREVAILING LEGISLATION. If 2004 Iowa Acts,
203 31 Senate File 399 is enacted and includes a provision increasing
203 32 the criminal penalty surcharge to thirty=two percent of a fine
203 33 or forfeiture, the following shall be the consequence:

203 34 1. The thirty percent surcharge set out in the amendment
203 35 to section 911.1, Code 2003, in 2004 Iowa Acts, House File
204 1 2530, section 10, if enacted, is null and void, and 2004 Iowa
204 2 Acts, House File 2530, section 10, if enacted, is amended to
204 3 provide for the surcharge at thirty=two percent to conform to
204 4 the thirty=two percent provision included in 2004 Iowa Acts,
204 5 Senate File 399.

204 6 2. As a result of including the thirty=two percent
204 7 provision in 2004 Iowa Acts, House File 2530, section 10, if
204 8 enacted, the section of 2004 Iowa Acts, Senate File 399
204 9 amending section 911.2, Code 2003, is null and void.

204 10 Sec. 243. Section 266.31, Code 2003, is repealed.
204 11 Sec. 244. Section 266.39D, Code Supplement 2003, is
204 12 repealed.

204 13 Sec. 245. STATE PERCENT OF GROWTH DEADLINES AND
204 14 RESTRICTIONS == INAPPLICABILITY. The thirty=day deadline and
204 15 restrictions for the enactment of the state percent of growth
204 16 provided in section 257.8 do not apply to this Act.

204 17 Sec. 246. EFFECTIVE AND APPLICABILITY DATE PROVISIONS.
204 18 1. The sections of this division of this Act amending
204 19 sections 257.8, 257.16, and 257.35 are applicable for
204 20 computing state aid under the state school foundation program
204 21 for the school budget year beginning July 1, 2004.

204 22 2. The sections of this division of this Act amending
204 23 sections 257.14, 346.27, 422E.1, and 422E.2, being deemed of
204 24 immediate importance, take effect upon enactment.

204 25 3. The section relating to the refund for commercial
204 26 vehicle registration fees, penalties, and interest, being
204 27 deemed of immediate importance takes effect upon enactment.

204 28 4. The section of this division of this Act amending
204 29 section 404A.2, being deemed of immediate importance, takes
204 30 effect upon enactment and applies retroactively to July 1,
204 31 2002.

204 32 5. The section of this division of this Act amending
204 33 section 257.18, being deemed of immediate importance, takes
204 34 effect upon enactment.

204 35 Sec. 247. APPLICABILITY. The provisions of this division
205 1 of this Act amending section 261.9, subsection 1, shall not
205 2 apply to a student who would otherwise have been eligible for
205 3 an Iowa tuition grant, but who is enrolled in an institution
205 4 that met the definition of "accredited private institution"
205 5 under section 261.9, Code 2003, but fails to meet the
205 6 definition as the provisions of this division of this Act
205 7 amend the definition. Such a student, who otherwise is
205 8 eligible for an Iowa tuition grant and retains the student's
205 9 need=based eligibility, shall continue to be eligible for an
205 10 Iowa tuition grant for the fall term of 2004 until the student
205 11 has completed the student's program of study or received the
205 12 maximum number of grants, whichever first occurs. An
205 13 institution that fails to meet the match requirements of
205 14 section 261.9, subsection 1, paragraph "b", as amended by this
205 15 division of this Act, for the fiscal year beginning July 1,
205 16 2004, and ending June 30, 2005, shall document at least one
205 17 full year of institutional matching financial aid equivalent
205 18 to the amount necessary to meet the match requirement of at
205 19 least seventy=five percent of the Iowa tuition grant moneys
205 20 received by students enrolled in the institution in the fiscal
205 21 year beginning July 1, 2004.
205 22 SF 2298
205 23 mg/cc/26